

183518

EXHIBIT A

South Waterfront

Code & Design Guideline Update Project

Portland Planning Commission Recommended Zoning Code Amendments
September 22, 2009



City of Portland Bureau of
Planning and Sustainability
Sam Adams, Mayor | Susan Anderson, Director

The Bureau of Planning & Sustainability is committed to providing equal access to information and hearings. If you need special accommodation, please call 503-823-7700 (TTY 503-823-6868).

For more information on the *South Waterfront Code & Design Guideline Update Project* please contact:

Troy Doss, Senior Planner, Project Manager
Bureau of Planning & Sustainability
1900 SW 4th Ave, Ste 7100
Portland OR 97201

Phone: 503-823-7700
Internet: www.planning.ci.portland.or.us
Email: pdxplan@ci.portland.or.us

Acknowledgements

Portland City Council

Sam Adams, Mayor
 Nick Fish, Commissioner
 Amanda Fritz, Commissioner
 Randy Leonard, Commissioner
 Dan Saltzman, Commissioner

Portland Planning Commission

Don Hanson, President
 Amy Cortese, Vice President
 Michelle Rudd, Vice President
 André Baugh
 Lai-Lani Ovalles
 Howard Shapiro
 Jill Sherman
 Chris Smith
 Irma Valdez

Portland Design Commission

Jeffery Stuhr, Chair
 Tim Eddy
 Jane Hansen
 Andrew Jansky
 Ben Kaiser
 Guenevere Millius
 David Wark
 Lloyd Lindley, Past Commissioner and Chair

Bureau of Planning & Sustainability

Susan Anderson, Director
 Joe Zehnder, Chief Planner

Project Team

Troy Doss, Project Manager – BPS
 Lora Lillard, BPS
 Carmen Piekarski, BPS
 Jessica Richman, BPS

Technical Advisors

Tom Carter, BDS
 Christine Caruso, BDS
 Kara Fioravanti, BDS
 Patty Freeman, Parks
 Douglas Hardy, BDS
 Tim Heron, BDS
 James Mast, PDC
 Geraldene Moyle, PDC
 Robin Grimwade, Parks
 Mary Wahl, BES

Introduction

In 2004, City Council adopted a comprehensive design schematic to guide greenway enhancements in the South Waterfront District. This plan, known as the *South Waterfront Greenway Development Plan* (GDP), is currently referred to in the Zoning Code as an option available to applicants making required greenway improvements, but the code does not provide a clear path as to how to process applicants proposing to implement this plan. As a result, City Council directed the then Bureau of Planning to prepare a series of amendments to the Zoning Code that would better enable and encourage applicants to use the GDP as their preferred means to make greenway improvements.

The *South Waterfront Greenway Code & Design Guideline Update Project* is a legislative planning project intended to amend the Portland Zoning Code to better address implementation of the South Waterfront Greenway Development Plan (GDP). The project also proposes: 1) amending two existing zoning provision specific to South Waterfront; 2) adopting a new provision specific to retail sales and service uses in South Waterfront, and: 3) amending all the zoning maps applicable to the district to reflect a recent amendment to the South Waterfront Adopted Street Plan.

The following specific amendments are proposed:

- **Amend Central City Plan District South Waterfront Greenway Provisions (Chapter 33.510.253).** Amend references to the Greenway Development Plan in this chapter of the code to better address the required timeframe for making greenway improvements when applicants pursue the GDP. Also, amend how performance guarantees related to these timing provisions need to be structured, and how land use reviews addressing GDP improvements are reviewed by the City (Type III verses Type II review).
- **Amend South Waterfront Greenway Review Provisions (Chapter 33.851).** These regulations will be amended so that they also contain approval criteria specific to the GDP. Currently these regulations only address proposals to implement the greenway improvements in a manner different than the base zone requirements of the Zoning Code and the process to review GDP improvements is not clear.
- **Amend South Waterfront Design Guidelines & Greenway Design Guidelines document.** The Design Guidelines document currently contains guidelines that focus on greenway improvements; however, applicants and the Design Commission alike have stated that these do not fully or accurately address the urban design issues most relevant to greenway improvements. There are also no guidelines that address the GDP schematic approved by Council. Thus, these greenway guidelines are being revised to better address all greenway improvements and new guidelines specific to the GDP are being created.
- **Repeal Required Residential Development Area Provision (Section 33.510.230 and Map 510-5).** Currently the Zoning Code and associated maps identify an area within the Central District of South Waterfront where new development must include at least 1 unit per 1,000 square feet of new site area (43 units per acre). This standard was adopted in 2002 as a fail-safe to ensure that the adopted goal of providing 3,000 housing units by 2019 would be met. However, because 1,633 units have been developed in the district with another 479 units approved for development (2,112 total with over an additional 1,500 units planned for the Prometheus properties), this regulation is no longer viewed as being necessary. Further, this standard has been found to create an impediment to non-residential development in the central portion of the district.

- **Amend Maximum Size of Retail Sales and Services Uses Provision (Section 33.510.116.B and Map 510-11).** The Zoning Code provides that retail sales and service uses in the South Waterfront subdistrict are limited to a maximum size of 40,000 square feet by right with the ability to be as large as 60,000 square feet if approved as a conditional use. This standard was adopted to prevent large, big box retail from locating in the district due to concerns about the level of traffic that would be created by such uses. However, these provisions inadvertently also prevented hotels from being developed, which are defined by the code as a retail sales and service use. As the concept of including hotels in the subdistrict was discussed throughout the development of the South Waterfront Plan, and hotels generate traffic similar to residential uses, not retail, this restriction has been determined to be in error. Therefore, the code will be amended to exclude hotels from the maximum size limitations.
- **Adopt New Required Retail Uses Provision (33.510.252.D and Map 510-21).** There is a growing concern by the Design Commission that opportunities are and may continue to be missed to site active retail uses at key locations throughout the subdistrict. To counter this, the Design Commission asked BPS to develop proposed amendments to existing design guidelines to address this issue. The Design Commission also asked BPS to proposed draft code amendments that require retail and other active ground floor uses to be sited at key locations throughout the district, including sites located adjacent to the greenway, Gibbs Street, and the South Waterfront Neighbor Park.
- **Amend Street Alignment on Zoning Maps.** Recently City Council amended the South Waterfront Adopted Street Plan to reflect changes to the proposed street alignments in the portions of the district located north of SW Gibbs Street. The street plan was amended to accommodate the Portland to Milwaukie Light Rail alignment, the new OHSU Schnitzer Campus, and to create a more developable land use pattern on the ZRZ properties. These amendments to the street pattern have little effect on the existing zoning provisions and boundaries, but all of the maps in Chapter 33.510 that show the South Waterfront Subdistrict need to be amended to accurately reflect the new adopted street alignments.

Public Outreach & Legislative Process

The *South Waterfront Greenway Code & Design Guideline Update Project* was developed over the course of four years in tandem with an effort known as the South Waterfront Greenway Development Implementation Plan. This larger effort was facilitated jointly by PDC and Parks & Recreation, with the assistance of the Bureau of Planning. The effort focused on the development of a governance and funding plan to encourage implementation of the Greenway Development Plan. Planning participated in this effort as a technical advisory and to ensure that the early versions and concepts for Zoning Code amendments, leading to the amendments proposed in this package, were being vetted by these other bureaus as well as their stakeholder advisory group formally known as the South Waterfront Greenway Partnership Group (or PG).

As this package was being formed, Planning staff regularly met with and briefed the PG to ensure the amendments being developed and overall greenway review approach developed for the Greenway Development Plan was meeting their and the City's overall needs. During the development of this project a website has also been maintained to provide updates on the progress of the project, and to post background materials as well as review drafts of the design guidelines and zoning amendments as they were being developed and refined over the last two years of this effort. Lastly, in addition to this outreach, the recent public involvement process

conducted for the South Waterfront North District Partnership was also used as outreach for the *South Waterfront Greenway Code & Design Guideline Update Project*.

The following is a comprehensive list of public meetings, briefings, and hearings associated with the public involvement component of this project.

2003

11/19/03 South Waterfront Greenway Partnership Group Meeting

2004

1/21/04 South Waterfront Greenway Partnership Group Meeting
 3/17/04 South Waterfront Greenway Partnership Group Meeting
 4/21/04 South Waterfront Greenway Partnership Group Meeting
 6/16/04 South Waterfront Greenway Partnership Group Meeting
 10/19/04 South Waterfront Greenway Partnership Group Meeting
 11/19/04 South Waterfront Greenway Partnership Group Meeting
 11/24/04 South Waterfront Greenway Partnership Group Meeting

2005

2/23/05 South Waterfront Greenway Partnership Group Meeting
 4/20/05 South Waterfront Greenway Partnership Group Meeting
 7/20/05 South Waterfront Greenway Partnership Group Meeting
 9/21/05 South Waterfront Greenway Partnership Group Meeting
 11/16/05 South Waterfront Greenway Partnership Group Meeting
 12/14/05 South Waterfront Greenway Partnership Group Meeting

2006

1/18/06 South Waterfront Greenway Partnership Group Meeting
 2/15/06 South Waterfront Greenway Partnership Group Meeting
 4/19/06 South Waterfront Greenway Partnership Group Meeting
 7/19/06 South Waterfront Greenway Partnership Group Meeting
 8/09/06 South Waterfront Greenway Partnership Group Meeting
 9/13/06 South Waterfront Greenway Partnership Group Meeting
 11/08/06 South Waterfront Greenway Partnership Group Meeting

2007

2/14/07 South Waterfront Greenway Partnership Group Meeting
 7/11/07 South Waterfront Greenway Partnership Group Meeting
 8/09/07 North Macadam URAC - Briefing
 11/14/07 Portland Development Commission Board - Briefing
 10/18/07 Design Commission - Public Briefing

2008

1/08/08 Planning Commission - Public Briefing
 1/17/08 Design Commission - Public Briefing
 2/13/08 South Waterfront Greenway Partnership Group - Briefing
 4/03/08 Design Commission - Public Briefing

4/10/08 North Macadam URAC - Briefing
9/18/08 Design Commission - Public Briefing
10/14/08 Planning Commission - Public Briefing

2009

6/03/09 South Portland Neighborhood Association - Briefing
9/11/09 Public Open House (with North District Partnership) – DEA Building
6/18/09 Design Commission - Public Briefing
7/02/09 SWNI Parks Subcommittee - Briefing
7/09/09 North Macadam URAC -Briefing
9/03/09 Public Open House – 1900 Building
9/09/09 Public Open House – South Waterfront
9/17/09 Design Commission Public Hearing
9/22/09 Planning Commission Public Hearing

Amendments to Title 33, Planning and Zoning

The following document presents proposed amendments to the Zoning Code regulations that apply to the South Waterfront Subdistrict. These amendments are largely not intended to implement new policy or significant changes to the regulatory framework for the subdistrict, but rather are intended to address minor changes resulting from the continuing implementation of the plan through public and private development activities. These amendments specifically address:

- The ability to implement the *South Waterfront Greenway Development Plan* as an additional option to make required Willamette Greenway improvements in South Waterfront;
- The removal of an unintended prohibition on hotels in the subdistrict;
- The repeal of the required residential development area; and
- The modification of various zoning maps to address recently adopted street plan changes in the subdistrict.

The only amendment addressing a major new policy direction is one that requires that active retail and commercial uses be developed at key locations in the subdistrict.

Commentary is provided throughout this document that addresses specific amendments. The commentary explains the basis for the proposed amendments and describes the legislative intent behind the amendments.

Existing code sections where no change is being made have not been included unless the information they contain is needed for better understanding of the amendments being made in other sections.

Code language to be added is underlined. Code language to be removed is shown in ~~strikethrough~~.

Commentary

Chapter 33.420 - Design Overlay Zone

33.420.045 Exempt From Design Review

The exemptions added to Chapter 33.420 exist in the code already but were previously only listed in Chapter 33.510. Thus, the text on the following page has been amended to be consistent with the edits proposed for Section 33.510.E.4 presented on page 23 of this document.

W. Within the South Waterfront Design District:

1. Changes to the interior of a building where there are not exterior alterations;
2. Normal maintenance and repair;
3. Excavations and fills of less than 50 cubic yards;
4. Dredging, channel maintenance, and the removal of gravel from the river; and
5. Emergency procedures necessary for safety or the protection of property.
6. The placement of up to four single piles, or two multiple-pile dolphins for each 100 feet of shoreline for an existing river-dependent or river-related use.

Chapter 33.510 - Central City Plan District

33.510.116.B Retail Sales And Service Uses for Specified Sites in the CX and EX Zones

The existing provisions of the Zoning Code set a maximum limit to the size of Retail Sales and Service uses in the South Waterfront subdistrict. Specifically, such uses are entitled to be up to 40,000 sq. ft. by right, and applicants can apply for a conditional use for uses up to a maximum of 60,000 sq. ft. Retail Sales and Service Uses larger than 60,000 sq. ft. are prohibited.

This maximum size was established to prohibit the development of "big box" or large format retail because there was a concern that such uses would be out of character with the district and would generate high volumes of traffic that would negatively impact the district.

One problem with this restriction is that it also prohibited the development of hotels which are defined by the code as a Retail Sales and Service uses and are typically well over 60,000 sq. ft. in size. This is a problem in that hotels were identified by the South Waterfront Plan as one of the desired uses to be incorporated into the district.

The proposed amendment will retain the prohibition on large format retail uses while allowing hotels to occur. As hotels generate traffic volumes similar to that of the residential uses common in the district, no adverse impacts are anticipated by allowing this on type of Retail Sales and Service use to occur in the district.

33.510.116 Retail Sales And Service Uses for Specified Sites in the CX and EX Zones

- A. Purpose.** Limits on the size of Retail Sales And Service uses promote neighborhood-serving commercial development and help reduce traffic congestion associated with large-scale retailers.
- B. CX Zone limitation.** On sites in the CX zone within the South Waterfront Subdistrict as shown on Map 510-11, Retail Sales And Service uses are allowed up to 40,000 square feet of floor area for each use. Retail Sales And Service uses larger than 40,000 square feet for each use are a conditional use. Retail Sales And Service uses larger than 60,000 square feet for each use are prohibited. This limitation does not apply to hotel uses.
- C. EX Zone limitation.** On sites in the EX zone within the area shown on Map 510-11, Retail Sales And Service uses are allowed up to 40,000 square feet of floor area for each use. Retail Sales And Service uses larger than 40,000 square feet for each use are a conditional use. Retail Sales And Service uses larger than 50,000 square feet of floor area for each use are prohibited.

Chapter 33.510 - Central City Plan District

33.510.230 Required Residential Development Areas

With the adoption of the South Waterfront Plan came a goal of developing 3,000 housing units in the district by the year 2019. To help facilitate this goal, a requirement was adopted into the Zoning Code that required within the central portion of the district, as illustrated on Map 510-5, Map 2, of the code, all new development must include 1 dwelling unit for every 1,000 sq. ft. of net site development (approximately 43 units per acre of development). The target area identified on Map 510-5 contains approximately 24 acres of potential development therefore this provision would have ensured that at the very least 1,032 housing units would have been developed.

As of September 2009, 1,633 units have been developed, an additional 479 units have been approved for development and will soon be constructed, and an additional 1,500 units are in the planning and design stages. In total this amounts to 3,612 units, most of which are likely to be developed prior to 2019. Thus, it is recommended that this requirement be removed from the code as the need for the requirement no longer appears necessary.

Furthermore, portions of subdistrict affected by this regulation have become sites better suited for commercial and institutional development. For such uses to be approved without the required residential uses, additional land use reviews are required which raises the cost and time to process development requests.

The proposed amendments to section 33.510.230 and Map 510-5, Map 2, would remove the requirement to develop residential units in South Waterfront by eliminating all references to the required residential development area.

33.510.230 Required Residential Development Areas

- A. Purpose.** The requirements of this section promote new housing in areas suitable and attractive for housing. The requirement is imposed as an alternative to the creation of exclusively residential zoning. This maintains development flexibility while still promoting the housing objectives of the Central City Plan.
- B. Sites and development subject to the required residential standard.** Sites subject to this standard are shown on Map 510-5 at the end of this chapter. On identified sites, all new development must meet the standards below.
- C. Required residential standard for new development.** For this standard, net site area is the total site area minus land dedicated to public rights-of-way or public open spaces, or land used for a regional public attraction such as a museum or aquarium.
1. ~~Outside of South Waterfront Subdistrict. Outside of the South Waterfront Subdistrict, new~~ **New** development must include at least 1 dwelling unit per 2,900 square feet of net site area (15 units per acre). The floor area of the required housing units qualifies for the floor area bonus option stated in 33.510.210.C.1.
 2. ~~South Waterfront Subdistrict. In the South Waterfront Subdistrict, new~~ development must include at least 1 dwelling unit per 1,000 square feet of net site area (43 units per acre).
- D. Timing and location of the housing.**
1. Required housing must be located on the site and if developed as part of a mixed-use project must receive an occupancy permit in advance of or at the same time as an occupancy permit for nonresidential portions of the project. Exceptions to this may be approved as part of a Central City master plan. See 33.510.255, Central City Master Plans.
 2. ~~South Waterfront Subdistrict. In the South Waterfront Subdistrict, housing units required by Subsection C., above, may be transferred to another site if the following requirements are met:~~
 - a. ~~The receiving site must be located within the South Waterfront Subdistrict;~~
 - b. ~~The property owners must execute a covenant with the City that is attached to and recorded with the deed of both the sending and receiving sites reflecting the respective increase and decrease of required housing units. The covenant must meet the requirements of 33.700.060. The required housing is not required to receive an occupancy permit in advance of or at the same time as an occupancy permit is issued for non-residential development on the sending site.~~

33.510.252 Additional Standards in the South Waterfront Subdistrict

D. Required Ground Floor Retail Sales and Service Uses in the South Waterfront Subdistrict

This is the only truly new provision proposed as part of this series of code updates. This provision was specifically requested by the Design Commission who feels that retail space in the district is not being developed or sited strategically.

Specifically, the commission is concerned that opportunities to site retail at key locations where it would best serve the district in the long term are being ignored in favor of locations that serve current district residents and employees in the short term. Key locations are typically at major intersections along Gibbs Street, Gaines Street, Porter Street, and where private streets interface with the greenway.

To ensure that future retail sales and service uses are also developed at locations that will be heavily used and may be more appropriate for retail once the district is fully developed, this new regulation has been developed. The regulation requires that at the locations identified on new Map 510-21, 50 percent of the ground floor wall length is developed to allow Retail Sales And Service Uses, as defined by Chapter 33.920, Description of the Use Categories. Typically where Map 510-21 identifies a corner at an intersection or along the greenway, the area subject to this provision extends 25 feet from the corner. Where it includes a full block face the provision applies to 50 percent of the full block face.

Preferably the Retail Sales And Service Uses would be incorporated as the first use to occupy these spaces; however, applicants may seek a modification as part of the design review process to allow other uses at locations identified on the map. As part of this modification the Design Commission could ask that the space be designed to allow retail in the long-term, but allow a use such as rental housing in the near term. The commission could also find that, based on various factors, retail may not be the ideal response at these locations and thus grant a modification allowing another long term use at a site identified on Map 510-21.

33.510.252 Additional Standards in the South Waterfront Subdistrict**D. Required Ground Floor Retail Sales And Service Uses in the South Waterfront Subdistrict**

1. Purpose. This requirement ensures that Retail Sales And Service uses are developed at key locations throughout South Waterfront; these uses activate and enrich the public realm. The requirement specifically focuses on Retail Sales And Service uses because they generate more activity and interaction within the public realm than do other active ground floor uses, and help to establish and reinforce a lively and vibrant public realm at key locations throughout the district.
2. Where this regulation applies. This regulation applies to the areas shown on Map 510-21 at the end of this chapter. New development or major remodeling on the portion of a site within the areas shown on Map 510-21 must meet the standard of this subsection.
3. Standards. Buildings must be designed and constructed to accommodate Retail Sales And Service uses. This standard must be met along the ground floor walls that front onto a sidewalk, plaza, greenway, or other public open space. Ground level wall areas include the exterior wall areas up to 9 feet above the finished grade
 - a. Areas where the corner is shown on Map 510-21. Where Map 510-21 shows that the standard must be met on a corner, the standard must be met along the length of walls extending in both directions for 25 feet. The corner may be the intersection of two streets, or the intersection of a street and the greenway.
 - b. Areas where a block face is shown on Map 510-21. Where Map 510-21 shows that the standard must be met on a block face, the standard must be met for at least 50 percent of the length of the block face.
 - c. Areas designed to accommodate Retail Sales And Service uses must meet the following standards:
 - (1) The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
 - (2) The area must be at least 25 feet deep, measured from the street-facing facade;
 - (3) The area may be designed to accommodate a single tenant or multiple tenants. In either case, the area must meet the standards of the Accessibility Chapter of the State of Oregon Structural Specialty Code. This code is administered by BDS; and
4. The street-facing facade must include windows and doors.

33.510.253 Greenway Overlay Zone in South Waterfront Subdistrict South Waterfront Greenway Development Plan

The following series of code amendments presented on pages 11 - 39 amend Section 33.510.253, Greenway Overlay Zone in South Waterfront Subdistrict, of the Central City Plan District, and Chapter 33.851, South Waterfront Greenway Review. These amendments are intended to provide a clearer path to implement the South Waterfront Greenway Development Plan (GDP) as a third option to make required Willamette Greenway improvements as part of new development within the greenway overlay zone.

Currently applicants can make improvements consistent with the base zone requirements presented in Section 33.510.253 or make improvements that meet the existing approval criteria of Chapter 33.851, South Waterfront Greenway Review. These amendments provide an additional path that involves a refined Type III design review process whereby proposals to implement the GDP are reviewed to be consistent with a series of amended and new design guidelines specific to the South Waterfront greenway. Proposals found to be consistent with the guidelines may also be subject to special timing provisions for when improvements are required to be completed.

It should be noted that the GDP is referenced as an option in the existing text for Chapter 33.510. However, the original approval criteria addressing the GDP is insufficient and results in a difficult review process for applicants and City staff alike because the approval criteria and review process is not clearly defined by the Zoning Code. The amendments presented to Chapters 33.510 and 33.851 do not result in additional regulation, they do not increase the greenway setback, do not require an increased level of improvement, and do not require that the Greenway Development Plan be used as the only path to making Willamette Greenway improvements. Rather these amendments establish a more user friendly path for those choosing to use the GDP as a means to making required greenway improvements.

One additional note to readers, there are numerous formatting edits throughout these two sections of code. These formatting edits are the result of provisions simply being moved around to make the review process clear and these edits are not associated with the adoption of new regulation.

Proposed 33.510.253.B Relationship to other regulations

The text presented here currently exists in Section 33.510.253 as subsection F and has been moved here to make it clear how these regulations relate to other local, state, and federal regulations applicable to development in the greenway overlay zone of South Waterfront.

33.510.253 Greenway Overlay Zone in South Waterfront Subdistrict**A. Purpose.** The regulations of this section:

1. Protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along the Willamette River within the South Waterfront Subdistrict of the Central City plan district;
2. Increase public access to and along the Willamette River for the purpose of increasing recreational and transportation opportunities;
3. Support the development of the South Waterfront Subdistrict as a vibrant mixed-use neighborhood within the Central City plan district;
4. Ensure a clean and healthy river for fish, wildlife, and people;
5. Embrace the river as Portland's front yard;
6. Enhance stormwater management in the South Waterfront Subdistrict;
7. Respond to the federal *Endangered Species Act* and *Clean Water Act*; and
8. Implement the *Willamette Greenway Plan* and State law.

B. Relationship to other regulations. Development within the Greenway Overlay Zone in the South Waterfront Subdistrict is also subject to other regulations of the Portland City Code. Development within the Greenway Overlay Zone may also be subject to the regulations and review procedures of state and federal agencies including the Oregon division of State Lands, the National Marine fisheries Service, the US Army Corps of Engineers, and the Oregon Department of Fish and Wildlife.

Existing 33.510.253.C South Waterfront Greenway Development Plan

The text presented here has been moved to 33.851, South Waterfront Greenway Review, because these provisions pertain to when improvements made consistent with the GDP approval criteria and review process, discussed in Chapter 33.851, are required to be made. See section 33.851.

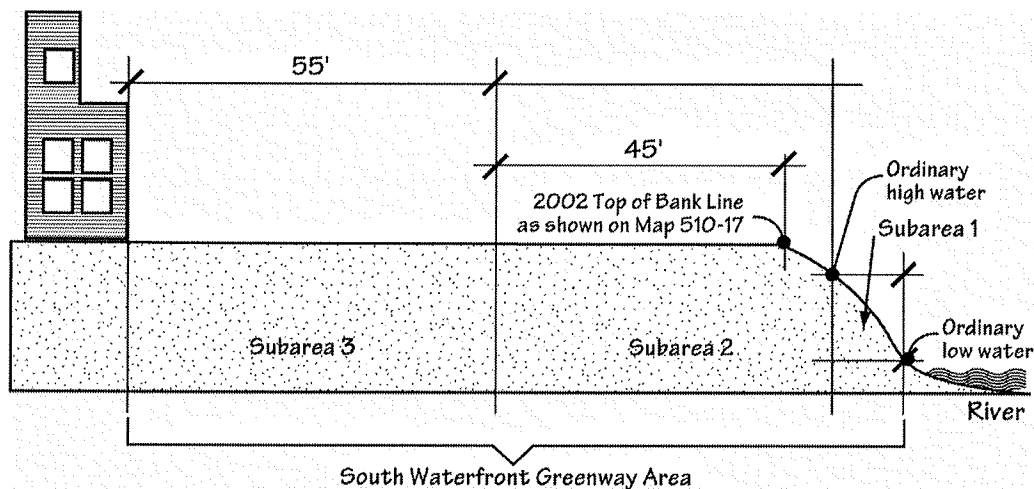
33.510.253.D Required South Waterfront Greenway Improvements

This existing provision has been amended to change the dollar threshold to be consistent the approach in other chapters of the code, especially Chapter 33.258, Nonconforming Situations. The dollar amount stated here will also be indexed for inflation over time, consistent with Section 33.700.075, Automatic Changes to Specified Dollar Thresholds, which is also being amended to reference the value of greenway improvements in South Waterfront.

B C. Where these regulations apply. The regulations of this section apply to sites within the South Waterfront Subdistrict where any portion of the site is in the Greenway Overlay Zone, shown on the Official Zoning Map.

C. South Waterfront Greenway Development Plan. If the site is included in the ~~South Waterfront Greenway Development Plan~~, it may be eligible for special provisions for the timing of improvements. See Paragraph 33.510.253.D.4., Timing of improvements. The site may also be eligible for special provisions allowing Greenway improvements that would not otherwise meet the standards of Section 33.510.253. See Subsection 33.510.253.H, South Waterfront Greenway Review.

**Figure 510-2
South Waterfront Greenway Area and Subareas**



Greenway Area = from ordinary low water to 100' from 2002 Top of Bank Line as shown on Map 510-17

Subarea 1 = from ordinary low water to ordinary high water

Subarea 2 = from ordinary high water to 45' in from 2002 Top of Bank Line as shown on Map 510-17

Subarea 3 = from 45' in from top of bank to 100' in from 2002 Top of Bank Line as shown on Map 510-17

D. Required South Waterfront Greenway improvements. Adjustments and modifications to this subsection are prohibited.

1. Required Landscaping.

- a. When development on the site, or alterations to structures, the site, or rights-of-way are made, and BDS determines that the value of the proposed alterations on the site is more than \$131,150, ~~which are over the thresholds of this paragraph~~, the site must be brought into conformance with the landscape requirements of Paragraph E.7 E5.f that apply to subareas 2 and 3 of the South Waterfront Greenway Area. The value of the alterations is based on the entire project, not individual building permits. It is the responsibility of the applicant to document the value of the required improvements.

33.510.253.D Required South Waterfront Greenway Improvements, Continued

The list of items that do not count towards the dollar threshold is added here to be consistent with the elements listed in 33.258, Nonconforming Situations.

The following alterations and improvements do not count toward the dollar threshold of this subsection:

- (1) Alterations required by approved fire/life safety agreements;
- (2) Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
- (3) Alterations required by Chapter 24.85, Interim Seismic Design Requirements for Existing Buildings;
- (4) Improvements to on-site stormwater management facilities in conformance with Chapter 17.38, Drainage and Water Quality, and the Stormwater Management Manual; and
- (5) Improvements made to sites in order to comply with Chapter 21.35, Wellfield Protection Program, requirements.

~~a. Thresholds. Mandatory improvements for fire, life safety and accessibility do not count toward the thresholds. The thresholds are:~~

- ~~(1) The value of the proposed alterations is 35 percent or greater than the assessed value of all improvements on the site. On sites with multiple tenants in one or more buildings, the threshold applies to any alteration that is 35 percent or greater of the assessed value of all improvements on the site; or~~
- ~~(2) The value of the proposed alterations, as determined by BDS, is more than \$100,000.~~

Commentary

33.510.253.D.3 Trail and pedestrian connections and public viewpoints

The amendments to this section allow for a clearer explanation of what triggers trail and pedestrian improvements in the greenway. By changing "ownership" to "site" these improvements are only triggered when development occurring on a site within the greenway overlay zone occurs. There are several large ownerships in South Waterfront that extend from the greenway landward several blocks. The way the code is currently written, development within an ownership that is well outside of the greenway overlay zone would trigger trail improvements on portions of the ownership within the greenway overlay. However, many of these sites may not be ready for trail enhancements due to environmental issues or existing industrial uses. These amendments also prevent minor improvements to existing buildings triggering significant improvements to the greenway when the proposed improvements have no impact on the greenway.

Thus, these amendments are intended to trigger greenway improvements only when proposed development is occurring immediately adjacent to or within the greenway overlay zone. These amendments create a stronger nexus between impacts to the greenway and mitigation intended to address these impacts.

- b. Caps on the cost of required landscaping. Required landscaping costing more than 10 percent of the value of the proposed alterations does not have to be installed. When all required landscaping is not being installed, the priority for which landscaping is to be installed is:
- (1) Trees in subarea 2;
 - (2) Shrubs in subarea 2;
 - (3) Ground cover in subarea 2;
 - (4) Trees in subarea 3;
 - (5) Shrubs in subarea 3;
 - (6) Ground cover in subarea 3; and
 - (7) Other required landscaping;
- c. Supplemental application requirement. Where landscaping is required by this paragraph, the applicant must submit a landscape plan to BDS that shows that the landscaping will grow to meet the landscape standards of Subparagraph ~~E-7~~ E.5.f, below, within five years. The landscape plan must be certified by a licensed landscape architect, or by a qualified restoration specialist as part of a formal City revegetation project under authority of Portland Parks and Recreation or the Bureau of Environmental Services.
2. Bank improvements. In subarea 1, when there is any regrading, bank stabilization, or other activities affecting the contours and composition of soil, the requirements of Paragraph ~~E-7~~ E.5.f for subarea 1 must be met.
 3. Trail and pedestrian connections and public viewpoints. When development on a ~~ownership site~~, or alterations to structures, the site, or rights-of-way are made which add more than 50,000 square feet of floor area to the site, are over the thresholds of Paragraph D.1., above, the applicant must provide public access easements that will accommodate a trail, pedestrian connections that meet the standards of Paragraph ~~E-6~~ E.5.d, Trail and pedestrian connections; and Paragraph E.5.e., Public viewpoints. The square footage added to the site is calculated based on the total amount added, regardless of the amount demolished;
 4. Timing of improvements. The applicant may choose one of the following options for making the improvements required by this subsection:
 - a. Option 1. Under Option 1, required improvements must be made as part of the development or alteration that triggers the required improvements;

33.510.253.D.4 Timing of improvements

This amendment is intended to make a stronger link to provisions added to Chapter 33.851 regarding when greenway improvements consistent with the Greenway Development Plan are being proposed. In short improvements must be made within four year of when the development triggering improvements is completed and has been issued a certificate of occupancy or within a longer time line outlined and adopted into a development agreement between the applicant and City approved by the City Council.

33.510.253.D.5 Landscaping monitoring and reporting

This amendment links the requirement of applicants submitting monitoring reports to a time line adopted as part of a development agreement between the applicant and City, as referenced above.

- b. Option 2. Under Option 2, the required improvements may be deferred if the following are met:
- (1) The applicant must provide the BDS with a performance guarantee for the improvements. See 33.700.050, Performance guarantees; and
 - (2) The required improvements must be constructed or installed within 4 years of issuance of the ~~performance guarantee~~ Certificate of Occupancy or within the timeline approved through ~~the South Waterfront Greenway Development Plan~~ a South Waterfront Greenway Review. See Chapter 33.851.
5. Landscaping monitoring and reporting. Monitoring required landscaping is the ongoing responsibility of the property owner. If landscaping is required by this subsection, the owner must submit a report to BDS documenting that the landscape standards of Subparagraph ~~E.7~~ E.5.f., below, have been met on the site. The report must be submitted within 1 years of the installation date ~~that building permits are issued for the development triggering the landscaping requirement, or within the timeline approved through a South Waterfront Greenway Review~~. See Chapter 33.851.

33.510.253.E Development standards and reviews

Most improvements with the South Waterfront greenway overlay zone ("g" overlay) are also subject to a Type III design review because the greenway overlay also falls with the design overlay zone ("d" overlay). These amendments are intended to make this point more clear and identifies when greenway review and design review are required as well as what actions are exempt from these reviews.

It should be noted that existing code Sections 33.510.253.G, Greenway Review, 33.510.253.H, South Waterfront Greenway Review, and 33.510.253.I, Exempt from Design review and South Waterfront Greenway Review have been consolidated to create this new amended section of code.

E. Development standards and reviews. Generally, proposals are subject to design review. In most instances, applicants may choose between meeting development standards or going through South Waterfront greenway review. In some instances South Waterfront greenway review is required.

~~Development and alterations to structures, sites, and rights-of-way must meet the following standards. Adjustments to this subsection are prohibited; however, development that does not meet the standards of this subsection may be approved through a South Waterfront Greenway Review.~~

- 1 Where these regulations apply. The regulations of this subsection apply in the South Waterfront Greenway Area as shown on Figure 510-2. The regulations apply to development and alterations to structures, sites, and rights-of-way.
2. Design review. New development, and changes to the land or structures including excavations and fills, bridges, and docks are subject to design review, unless exempted by Paragraph E.4.
3. South Waterfront greenway review. South Waterfront greenway review is required for the following:
 - a. New development or exterior alterations that do not meet the standards of Paragraph E.5 and are not exempted by Paragraph E.4;
 - b. New development, or changes to the land or structures, riverward of top of bank, including excavations and fills, bridges, and docks, unless exempted by Paragraph E.4..
4. Exempt from design review and South Waterfront greenway review. The following are exempt from design review and South Waterfront greenway review:
 - a. Changes to the interior of a building where there are not exterior alterations;
 - b. Normal maintenance and repair;
 - c. Excavations and fills of less than 50 cubic yards;
 - d. Dredging, channel maintenance, and the removal of gravel from the river; and
 - e. Emergency procedures necessary for safety or the protection of property.

33.510.253.E.5 Development standards

This amendment adds language that makes it clear when development standards are and are not required to be met. Specifically, the development standards must be met unless alternative greenway improvements are approved through the South Waterfront Greenway Review process. Through the South Waterfront Greenway Review process proposals that better meet these development standards could be approved, or proposals found to be consistent the with design guidelines implementing the Greenway Development Plan can be approved.

f. The placement of up to four single piles, or two multiple-pile dolphins for each 100 feet of shoreline for an existing river-dependent or river-related use.

5. Development standards. The following development standards must be met unless the applicant chooses South Waterfront greenway review. Adjustments and modifications to these standards are prohibited..

2 a. Non-landscaped area. Limiting the percentage of non-landscaped area allowed in the South Waterfront Greenway Area ensures that the area will be configured to accommodate a minimum percentage of living plant cover. Non-landscaped area includes all aboveground structures and paving materials, including permeable paving materials.

a (1) Subareas 1 and 2. Up to 20 percent of the portion of the site in subareas 1 and 2 may be covered by non-landscaped area; however, paved surfaces that are required under the provisions of Paragraph E.6 E.5.d. and e., Public viewpoints, are exempt from this limitation. Non-landscaped area ~~is not allowed within~~ may be no closer than 10 feet landward of the top of bank line as shown on Map 510-17, South Waterfront 2002 Top of Bank Line;

b. (2) Subarea 3. Up to 20 percent of the portion of the site in subarea 3 may be covered by non-landscaped area. However, required trail and pedestrian connection improvements are exempt from this limitation.

3 b. Buildings. Buildings are allowed within the South Waterfront Greenway Area if they meet ~~E.3.a. and b~~ E.5.b.(1) and (2) and either ~~E.3.c. or d~~ E.5.b(3) or (4). Other buildings or portions of buildings are not allowed within the South Waterfront Greenway Area.

(1) ~~a.~~ The site meets the non-landscaped area requirements under ~~E.2~~ E.5.a., above; and

(2) ~~b.~~ The building does not obstruct required pedestrian connections and trails; and

(3) ~~c.~~ The building is river-dependent or river related; or

(4) ~~d.~~ All of the floor area of the building is in Retail Sales And Service uses and the following are met:

- (1) The building has less than 1,000 square feet of floor area;
- (2) The building is entirely within subarea 3; and
- (3) The building is located landward of the South Waterfront recreational trail.

Note:

All the changes on the following page present formatting edits only.

4 c. Fences and walls. Fences and walls are allowed in subarea 3 of the South Waterfront Greenway Area if they are no more than 3 feet in height and do not obstruct the required pedestrian connections and trails. Fences and walls are not allowed in subareas 1 and 2 of the South Waterfront Greenway Area.

5 d. Trails and pedestrian connections.

a-(1) Purpose. Public recreational trails provide public access to and along both sides of the Willamette River. Public recreational trails are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan. Pedestrian connections ensure that there is adequate, safe, and direct pedestrian access from the adjacent development and from the district as a whole to the trails.

b-(2) Public recreational trails. Public recreational trails must meet the following standards. When required by Subsection D.3, sites with a public recreational trail symbol shown on the Official Zoning Maps must provide easements that would accommodate construction, maintenance, and public use of a trail that meets the following standards. See Figure 510-3.

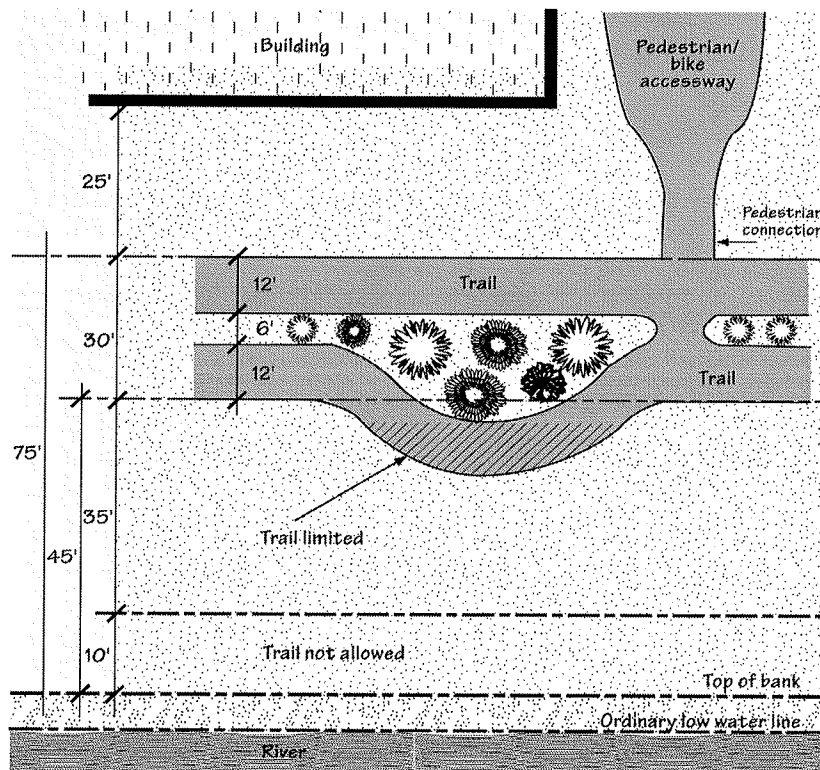
- (1)—Location. The trail must be located in the South Waterfront Greenway Area shown on Figure 510-2. All portions of the trail must be at least 10 feet and no more than 75 feet from the top of bank line as shown on Map 510-17, South Waterfront 2002 Top of Bank Line; however, any portion of the trail that is within 45 feet of the top of bank line as shown on Map 510-17, South Waterfront 2002 Top of Bank Line, is subject to the maximum non-landscaped area limitations of PSubparagraph E.2 E.5.a;
- (2)—Width. The trail must consist of two paths, each at least 12 feet in width;
- (3)—Landscaped median. The two paths must be separated by a landscaped median at least 6 feet wide. Landscaping within this median must meet the requirements of Paragraph E.7. The landscaping may be interrupted by pedestrian connections between the two paths;
- (4)Use. The path closest to the river must be designated for pedestrians only. The path farthest from the river must be designated for bicycles and other non-motorized transportation modes;

Note:

All the changes on the following page present formatting edits only.

- (5)Connectivity.
 - The trail or trail easement must connect to the existing trails or trail easements on adjacent sites; and
 - The trail or trail easement must connect to the required pedestrian circulation system on the site.
 - (6)Additional standards. In addition to the standards of this subparagraph, the standards of Chapter 33.272, Public Recreational Trails, must also be met.
- e (3) Pedestrian connections. When a public recreational trail or trail easement is required, at least one pedestrian connection must be provided between the trail easement and any accessway that terminates on the site.

**Figure 510-3
South Waterfront Greenway Trail**



Commentary

Note:

All the changes on the following page present formatting edits only.

DATE: 11/9/2009 10:10:10 AM
FILE: C:\Users\jdoyle\Documents\183518\183518.dwg

1. The following table lists the changes made to the drawing.

2. The changes are listed in the following table.

3. The changes are listed in the following table.

4. The changes are listed in the following table.



6 e. Public viewpoints.

a.(1) Purpose. Public viewpoints provide stopping places and clearings along the South Waterfront Greenway trail and the Willamette River where the public can view and enjoy the natural and scenic qualities of the Greenway and the river. Public viewpoints are one of the tools used to comply with the public access requirements of the *Comprehensive Plan* and the *Willamette Greenway Plan*.

b.(2) Viewpoint requirements. A public viewpoint must be provided on sites designated with a viewpoint symbol on Map 510-15. There are two types of viewpoints within the district:

- (1)—Minor viewpoint. Minor viewpoints are locations along the South Waterfront Greenway trail where views of the Willamette River are provided through the use of special landscaping standards. The standards discourage plantings that will grow to block views of the river. Sites with a minor viewpoint designation shown on Map 510-15 must meet the following standards:
 - A view corridor at least 20 feet wide must be provided and maintained between the trail and the river. See Figure 510-4;
 - If an accessway or street that is mapped as a special building height corridor on Map 510-15 terminates on the site, the view corridor must continue the projected centerline of the accessway or street;
 - Within the view corridor, landscaping must be no higher than 3 feet in height at maturity. The site must continue to meet the landscaping requirements of PSubparagraph E.7 E.5.f., below.
- (2)—Major viewpoint. Major viewpoints are locations along the South Waterfront Greenway trail where additional space is provided to allow people to safely stop and view the Willamette River and the Greenway. Where required by Subsection D.3, sites with a major viewpoint designation must provide a viewpoint that meets the following standards:
 - The viewpoint area must be at least 1,600 square feet in area;
 - The viewpoint area must abut the Greenway trail or a pedestrian connection must be provided from the Greenway trail to the viewpoint area;
 - The viewpoint area and any pedestrian connection to the viewpoint area from the Greenway trail must comply with the Use of Trail, Hours of Use, Trespass, and Trail Maintenance and Liability sections of Chapter 33.272, Public Recreational Trails;

Commentary

Note:

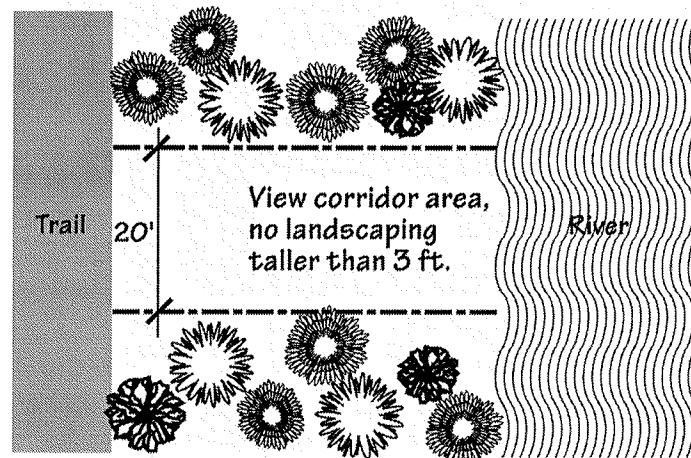
All the changes on the following page present formatting edits only.

- Materials, benches, and lighting used in the viewpoint area must meet the requirements of the Portland Bureau of Parks and Recreation; and
- A view corridor must be provided that meets the standards of E.6.b.(1) the second bullet under E.5.e(2), above.

7-f Landscaping.

- a.(1) Coverage. Eighty (80) percent of the area that is not covered by buildings, trails, or other allowed non-landscaped area must be covered by shrubs or ground cover, and all trees required by this paragraph must be installed in the ground and healthy;
- b.(2) Existing landscaping. Existing plants may be used to meet the standards of this paragraph, if protected and maintained during construction as specified in Section 33.248.065. However, the following plants must be removed:
- (1)—Plants listed as a nuisance or prohibited on the *Portland Plant List*;
 - (2)—Plants listed in Table 510-4, South Waterfront Greenway Nuisance Plants.

**Figure 510-4
Public Viewpoint View Corridor**



Note:

All the changes on the following page present formatting edits only.

The following table lists the changes made to the document. The changes are listed in the order in which they appear in the document. The first column lists the page number, the second column lists the line number, and the third column lists the change.

The following table lists the changes made to the document. The changes are listed in the order in which they appear in the document. The first column lists the page number, the second column lists the line number, and the third column lists the change.

The following table lists the changes made to the document. The changes are listed in the order in which they appear in the document. The first column lists the page number, the second column lists the line number, and the third column lists the change.

The following table lists the changes made to the document. The changes are listed in the order in which they appear in the document. The first column lists the page number, the second column lists the line number, and the third column lists the change.

The following table lists the changes made to the document. The changes are listed in the order in which they appear in the document. The first column lists the page number, the second column lists the line number, and the third column lists the change.

The following table lists the changes made to the document. The changes are listed in the order in which they appear in the document. The first column lists the page number, the second column lists the line number, and the third column lists the change.

e(3) Required landscaping in subarea 1. In subarea 1, the area beginning 3 feet above the ordinary low water line must meet the following requirements:

- (1)—Shrubs. At least 80 percent of the required landscaped area must be planted in shrubs;
- (2)—Trees. Trees are not required, but are allowed;
- (3)—Ground cover. All of the required landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants;
- (4)—Plant list. Only plants listed in Table 510-2, Subarea 1 Plant List, may be planted; and
- (5)—Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within five years. Restoration size plant material, including bare-root, is allowed and recommended. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials. Planting is not allowed during the summer.

d.(4) Required landscaping in subarea 2. In subarea 2 the required landscaping is:

- (1)—Shrubs. At least 80 percent of the landscaped area must be planted in shrubs;
- (2)—Trees. At least one tree must be planted for every 400 square feet of landscaped area. Trees may be clustered;
- (3)—Ground cover. All of the landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants;
- (4)—Plant list. Only plants listed in Table 510-3, Subarea 2 and 3 Plant List, may be planted. At least eight different species must be planted; and
- (5)—Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within 5 years. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials.

Note:

All the changes on the following page present formatting edits only.

e.(5) Required landscaping in subarea 3. In subarea 3, the required landscaping is:

- (1)—Shrubs. At least 60 percent of the landscaped area must be planted in shrubs. At least 50 percent of the shrubs used to meet this requirement must be listed on Table 510-3, Subarea 2 and 3 Plant List;
- (2)—Trees. At least 1 tree must be planted for every 1,000 square feet of landscaped area. At least 50 percent of the trees used to meet this requirement must be listed on Table 510-3, Subarea 2 and 3 Plant List;
- (3)—Ground cover. All of the landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants. At least 50 percent of the ground cover plants must be listed on Table 510-2, Subarea 2 and 3 Plant List;
- (4)—Plant list. Except as allowed by (1), (2) and (3) the three bullets above, only plants listed on Table 510-3, Subarea 2 and 3 Plant List, may be planted. The following plants are prohibited:
 - —Plants listed as a nuisance or prohibited on the *Portland Plant List*;
 - —Plants listed in Table 510-4, South Waterfront Greenway Nuisance Plants.
- (5)—Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within five years. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials.

Commentary

New 33.510.253.F Greenway goal exception

The text presented here is currently found in the code as Section 33.510.253.J. It has been moved here to make the review process clearer and existing text has not been altered.

Existing Section 33.510.253.F Relationship to other regulations

As previously noted, existing Section 33.510.253.F, Relationship to other regulations, has been moved and is now Section 33.510.253.B.

Existing Sections 33.510.253.G, Greenway Review, 33.510.253.H, South Waterfront Greenway Review, and 33.510.253.I, Exempt from Design review and South Waterfront Greenway Review

These sections (found on the following two pages) have been replaced by amended Section 33.510.253.E, Development standards and review. In this new section these three previous sections have been consolidated.

8g. Other development. Other development is allowed within the South Waterfront Greenway Area if it meets Subparagraphs ~~8.a. and b.~~ g.(1) and (2) and either g.(3) or (4) and either 8.c. or 8.d.

~~a.(1)~~ The site meets the non-landscaped area requirements under ~~E.2. E.5.a.~~, above;

~~b.(2)~~ The development does not obstruct required pedestrian connections and trails; and

~~e.(3)~~ The development is located in subarea 3; or

~~d.(4)~~ The development is river-dependent or river-related.

F. Greenway goal exception. Approval of an exception to Statewide Planning Goal 15, Willamette Greenway, is required to locate development or a right-of-way that is not river-dependent or river-related within 25 feet of the top of bank. A greenway goal exception is not required to add revetments to a riverbank. The approval criteria are in Section 33.440.360, Greenway Goal Exception.

~~F. Relationship to other regulations.~~ Development within the Greenway Overlay Zone in the South Waterfront Subdistrict is also subject to other regulations of the Portland City Code. Development within the Greenway Overlay Zone may also be subject to the regulations and review procedures of state and federal agencies including the Oregon division of State Lands, the National Marine fisheries Service, the US Army Corps of Engineers, and the Oregon Department of Fish and Wildlife.

~~G. Design review.~~ Within the South Waterfront Greenway Area shown on Figure 510-2, all new development, and changes to the land or structures including excavations and fills, bridges, and docks are subject to design review, unless exempted by Subsection I., below.

~~H. South Waterfront Greenway Review.~~ Within the South Waterfront Greenway Area shown on Figure 510-2, South Waterfront Greenway Review is required for the following:

- ~~1. Proposals for new development or exterior alterations that do not meet the standards of Subsection 33.510.253.E., above;~~
- ~~2. New development, or changes to the land or structures, riverward of top of bank, including excavations and fills, bridges, and docks, unless exempted by Subsection I., below.~~

Existing Section 33.510.253.J, Greenway goal exemption

This section has been moved and is now found as Section 33.510.253.F.

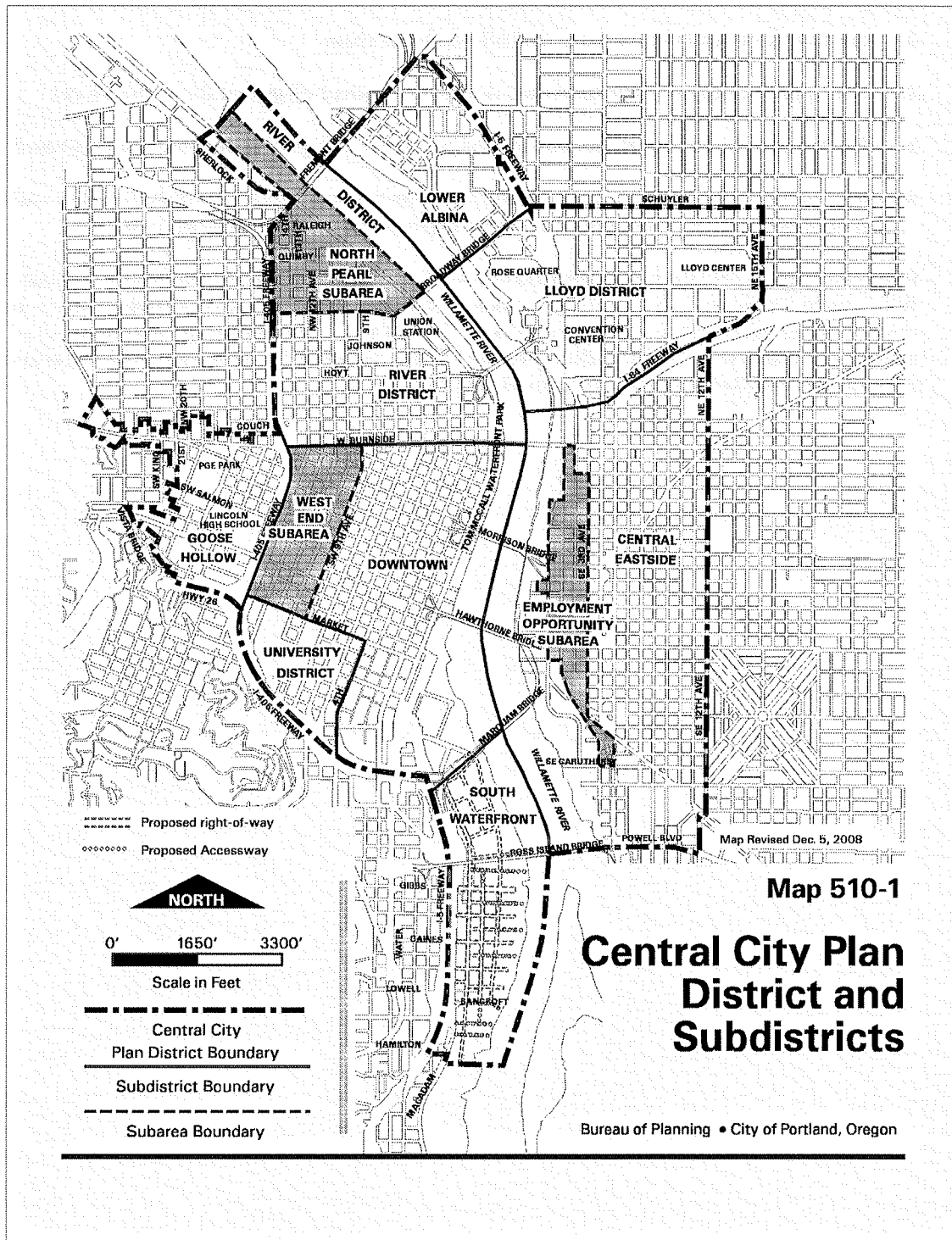
~~I. Exempt from design review and South Waterfront Greenway Review.~~ The following are exempt from design review and South Waterfront Greenway Review within the South Waterfront Greenway Area:

- ~~1. Changes to the interior of a building where there are not exterior alterations;~~
- ~~2. Normal maintenance and repair;~~
- ~~3. Excavations and fills of less than 50 cubic yards;~~
- ~~4. Dredging, channel maintenance, and the removal of gravel from the river;~~
- ~~5. Emergency procedures necessary for safety or the protection of property; and~~
- ~~6. The placement of up to four single piles, or two multiple pile dolphins for each 100 feet of shoreline for an existing river dependent or river related use.~~

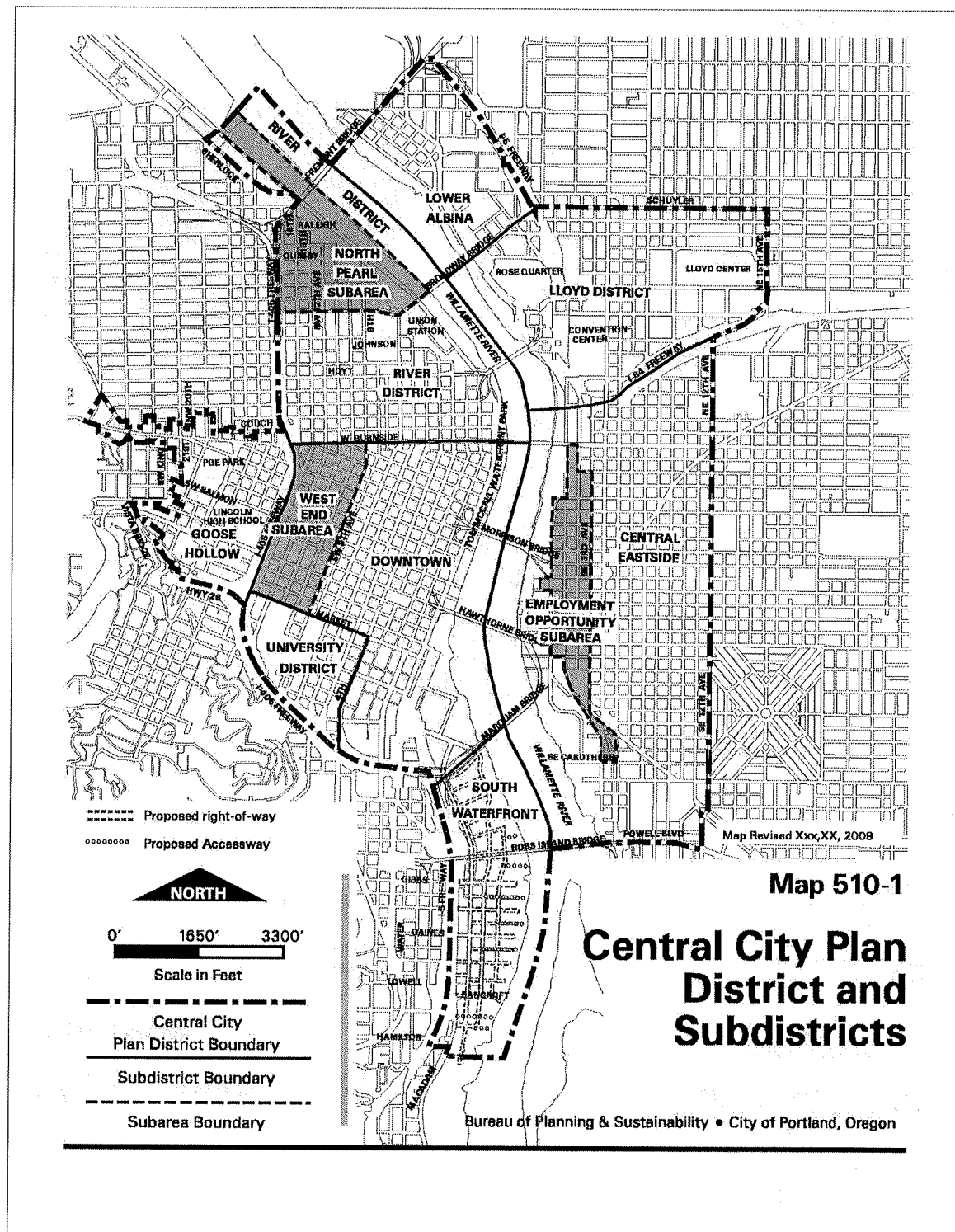
~~J. Greenway goal exception.~~ Approval of an exception to Statewide Planning Goal 15, Willamette Greenway, is required to locate development or a right of way that is not river dependent or river related within 25 feet of the top of bank. A greenway goal exception is not required to add revetments to a riverbank. The approval criteria are in Section 33.440.360, Greenway Goal Exception.

Existing Map 510-1 - Central City Plan District and Subdistricts

This map is amended to reflect the new street plan being adopted for the northern half of the South Waterfront subdistrict.

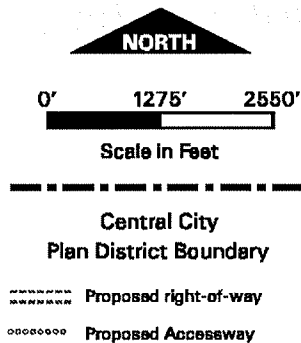
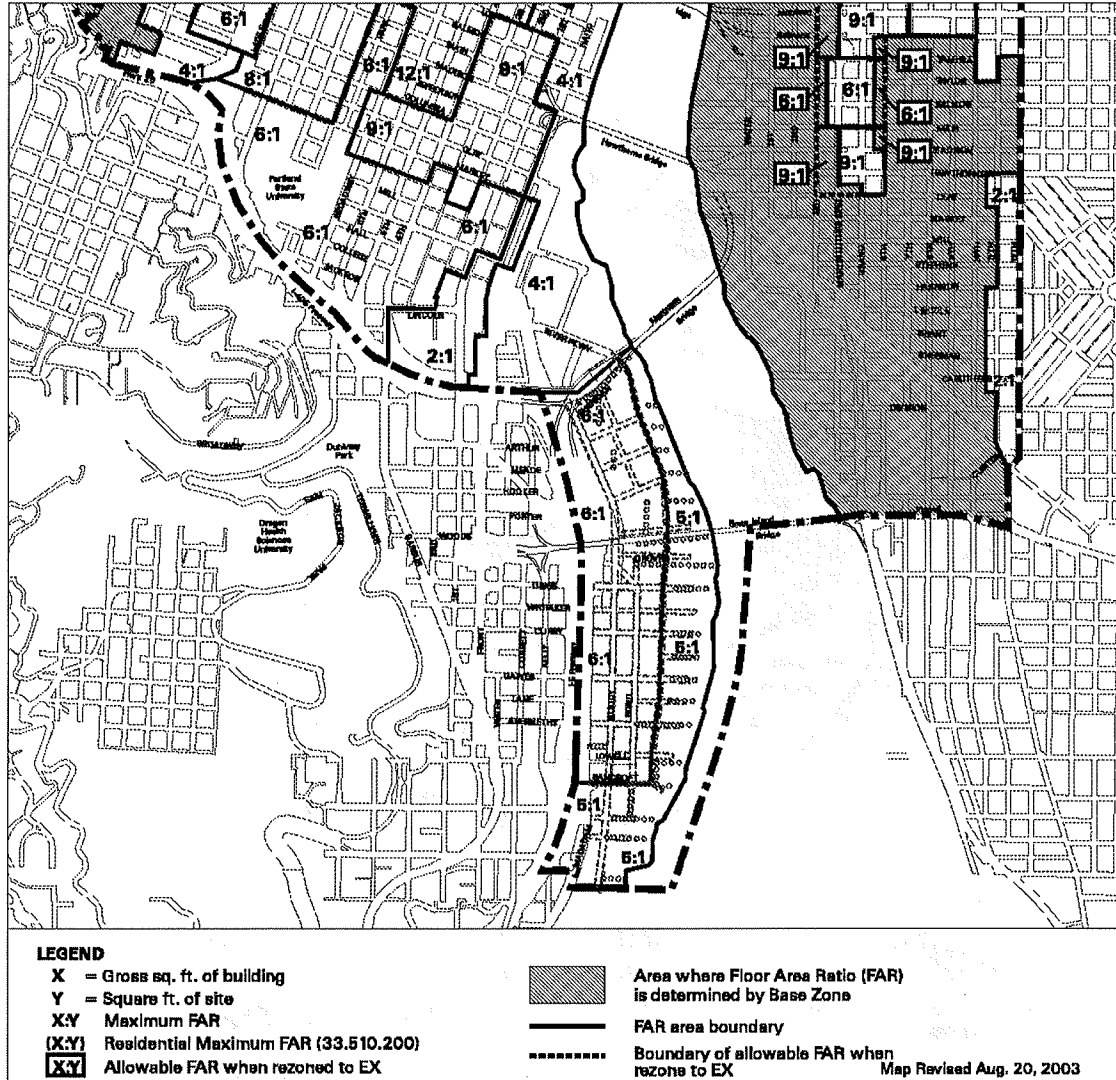


Amended Map 510-1



Existing Map 510-2 - Floor Area Ratios

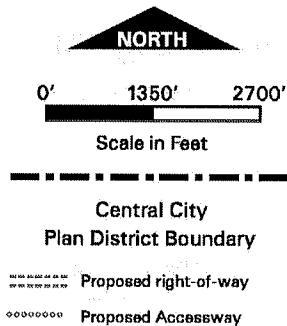
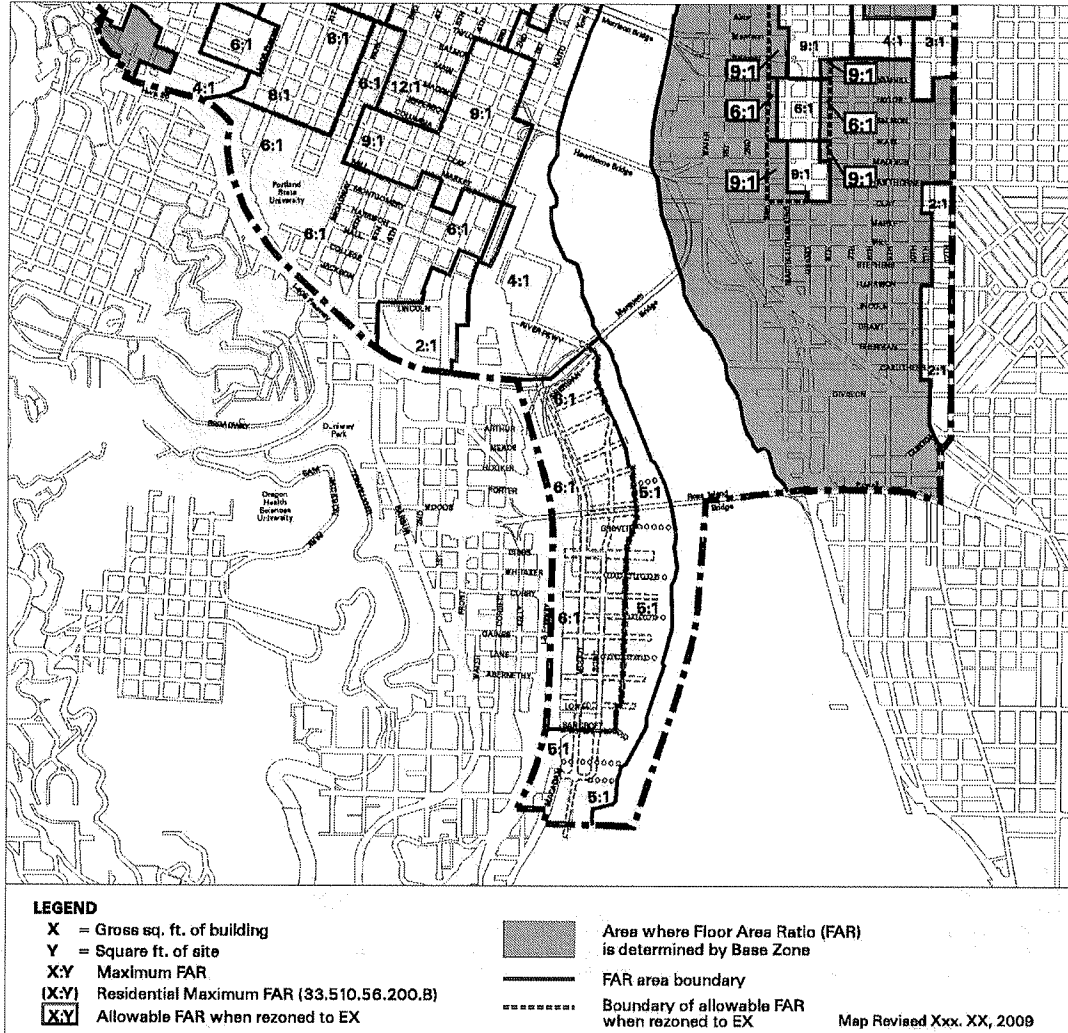
This map is amended to reflect the new street plan being adopted for the northern half of the South Waterfront subdistrict.



Map 510-2 Floor Area Ratios Map 2 of 2

Bureau of Planning • City of Portland, Oregon

Amended Map 510-2

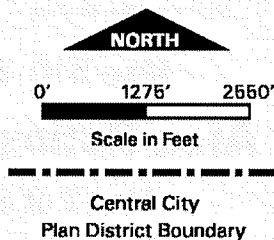
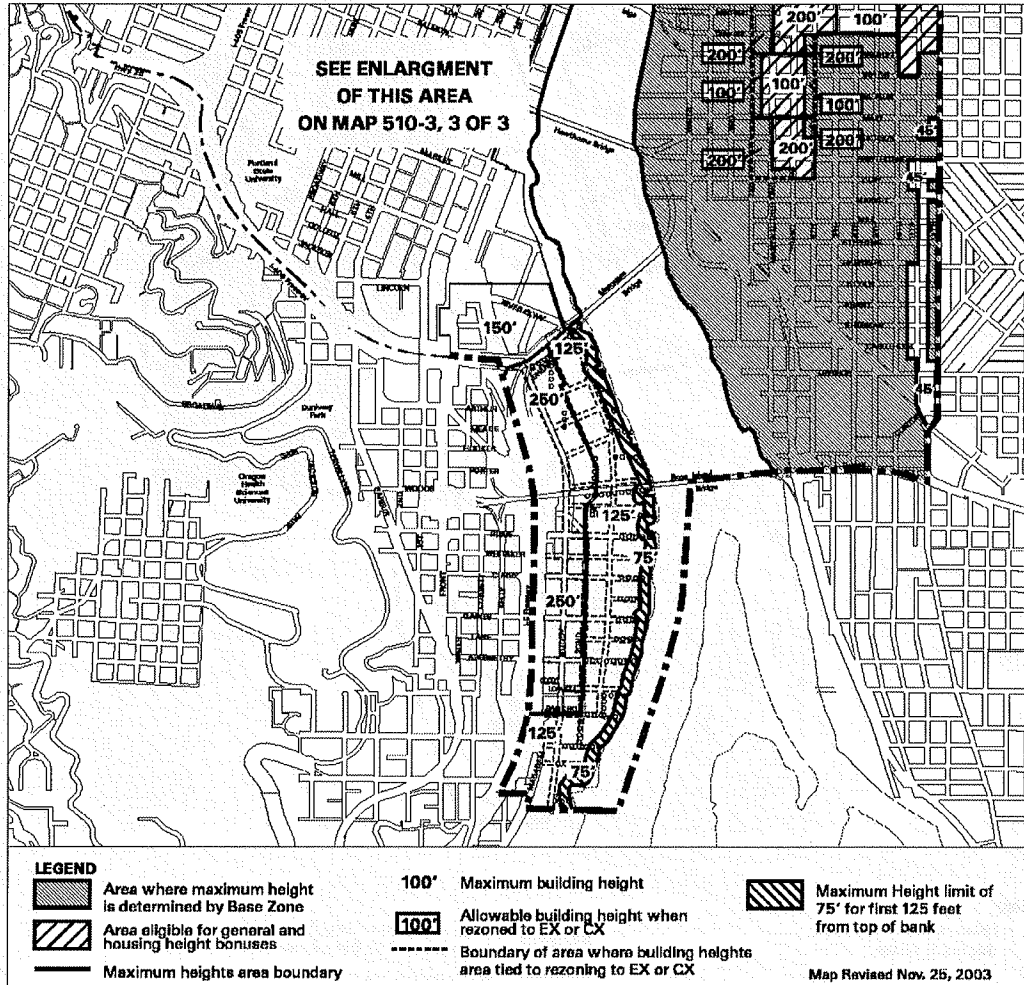


Map 510-2
Floor Area Ratios
Map 2 of 2

Bureau of Planning & Sustainability • City of Portland, Oregon

Existing Map 510-3 - Maximum Heights

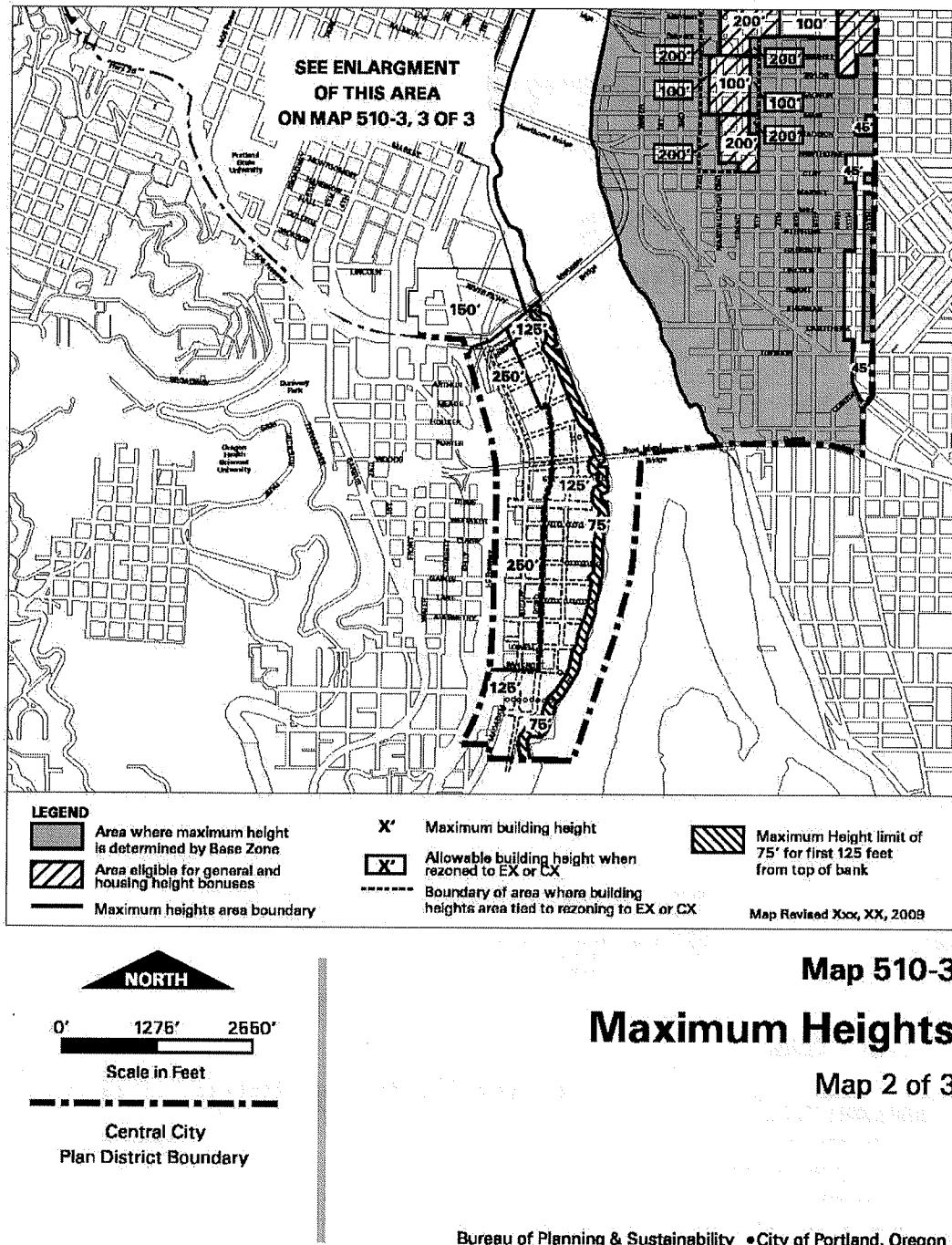
This map is amended to reflect the new street plan being adopted for the northern half of the South Waterfront subdistrict.



Map 510-3
Maximum Heights
Map 2 of 3

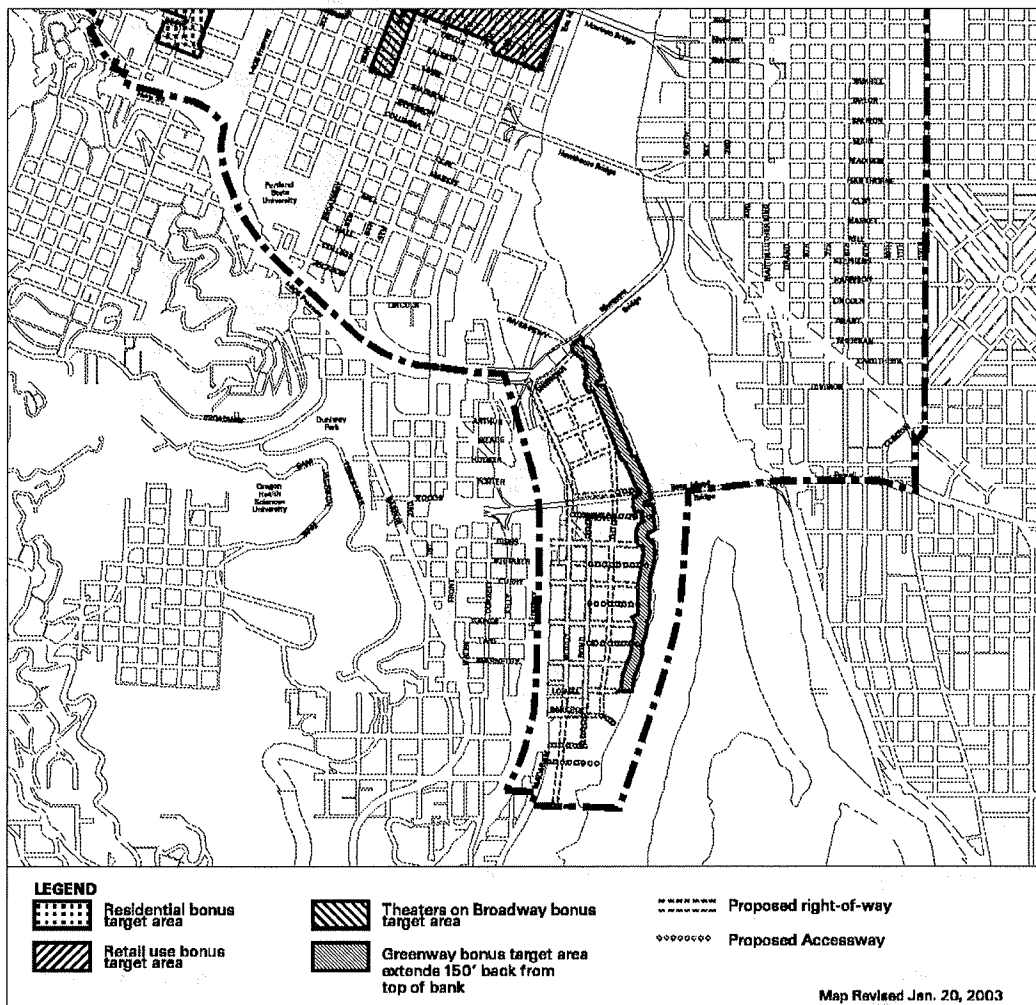
Bureau of Planning • City of Portland, Oregon

Amended Map 510-3



Existing Map 510-4 - Bonus Options Target Areas

This map is amended to reflect the new street plan being adopted for the northern half of the South Waterfront subdistrict.



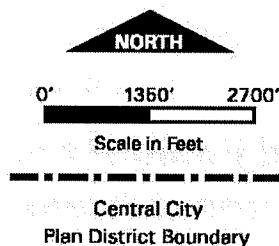
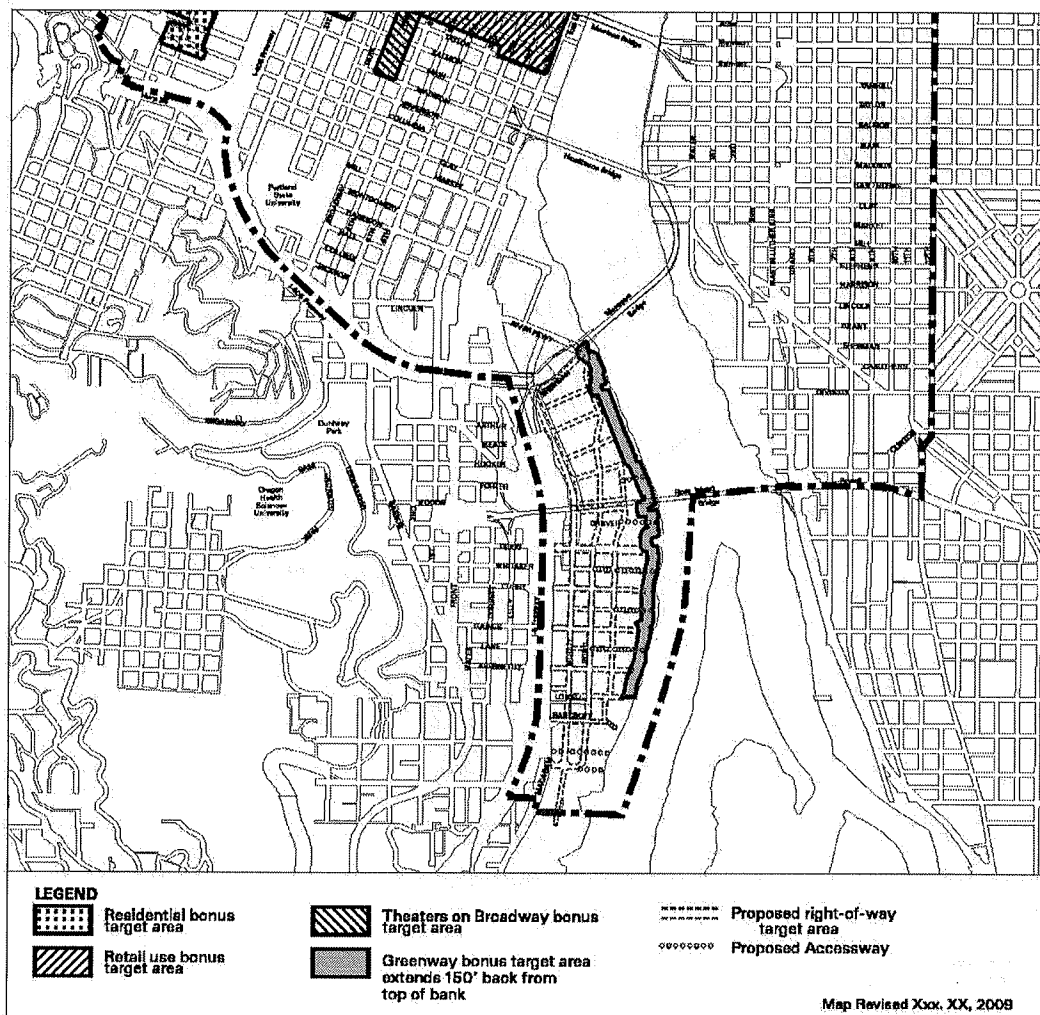
Map 510-4

Bonus Options Target Areas

Map 2 of 2

Bureau of Planning • City of Portland, Oregon

Amended Map 510-4



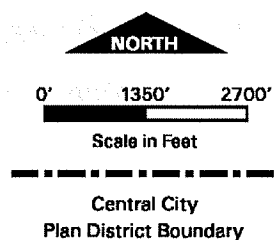
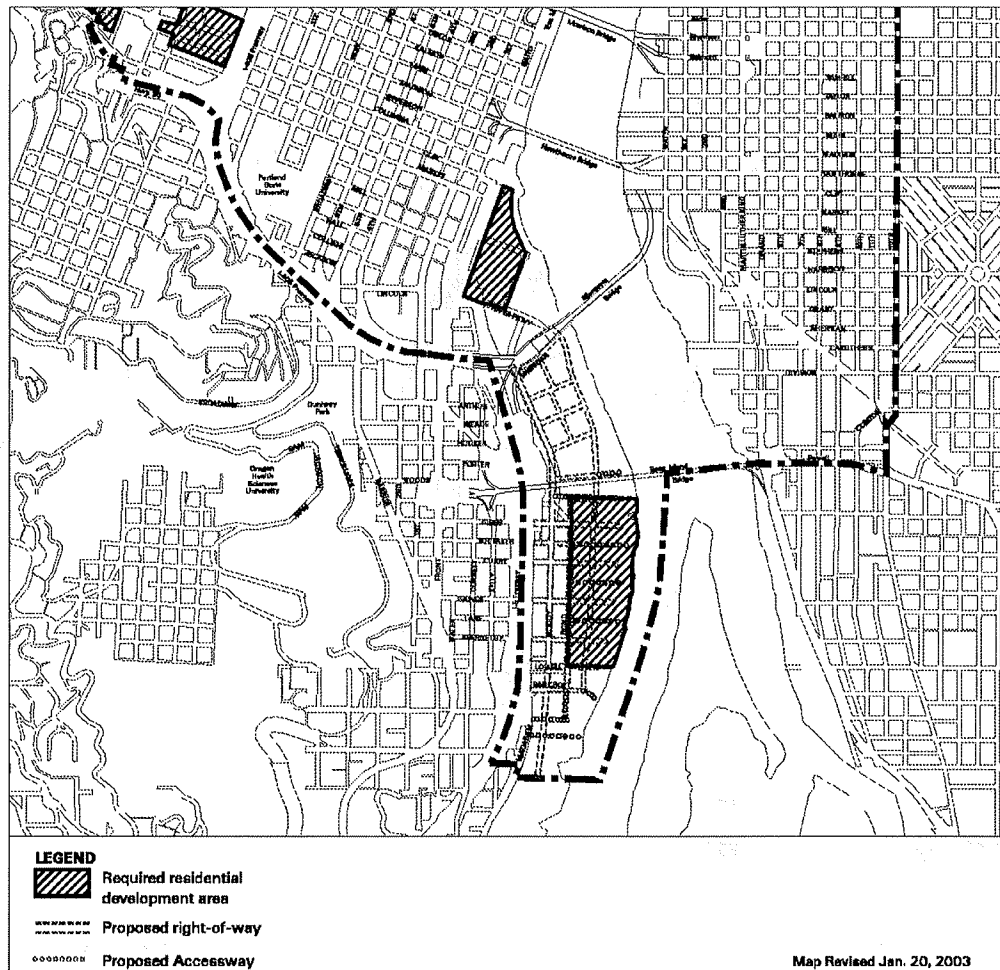
Map 510-4
Bonus Options Target Areas

Map 2 of 2

Bureau of Planning & Sustainability • City of Portland, Oregon

Existing Map 510-5 - Required Residential Development Areas

This map is amended to remove the "required residential development area in South Waterfront and to reflect the new street plan being adopted for the northern half of the South Waterfront subdistrict.

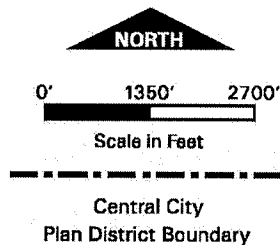
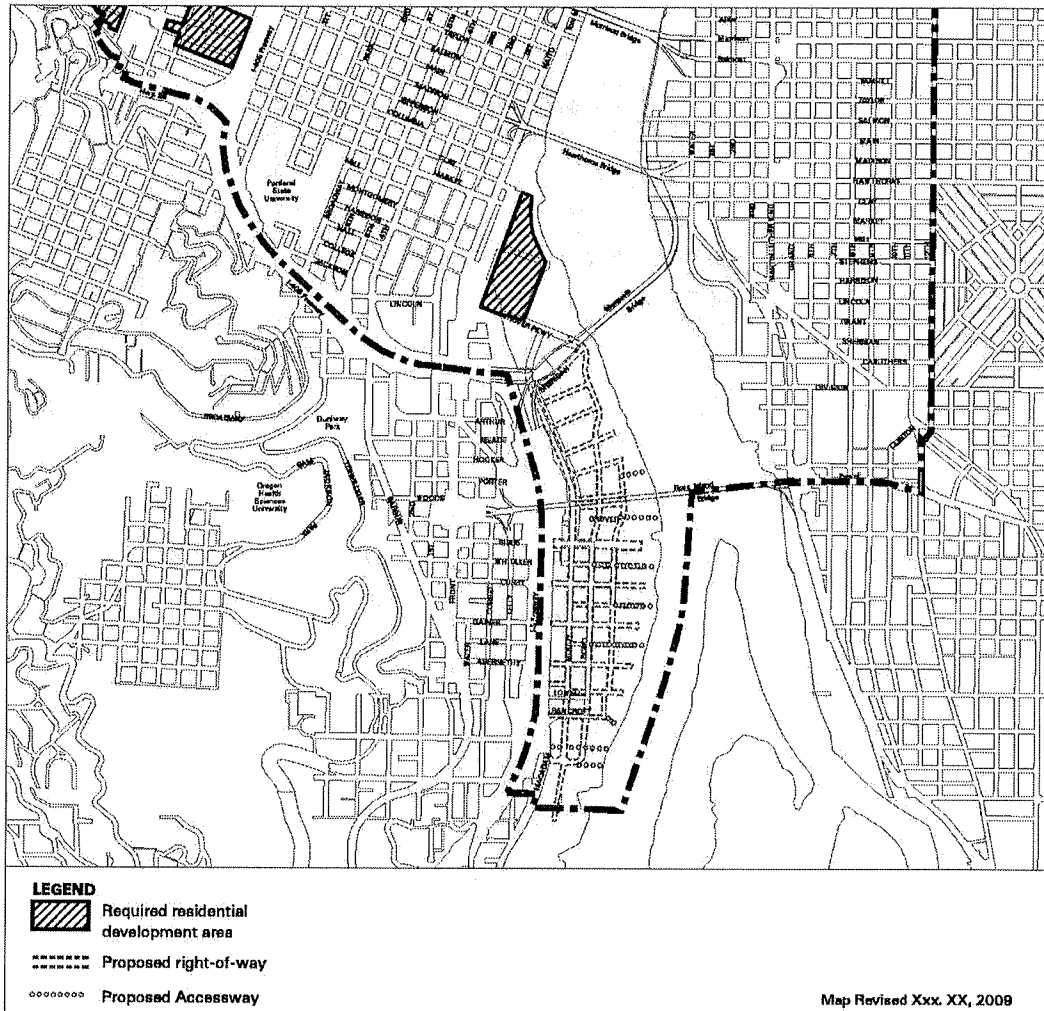


Map 510-5 Required Residential Development Areas

Map 2 of 2

Bureau of Planning • City of Portland, Oregon

Amended Map 510-5



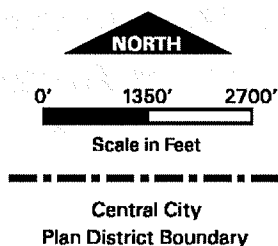
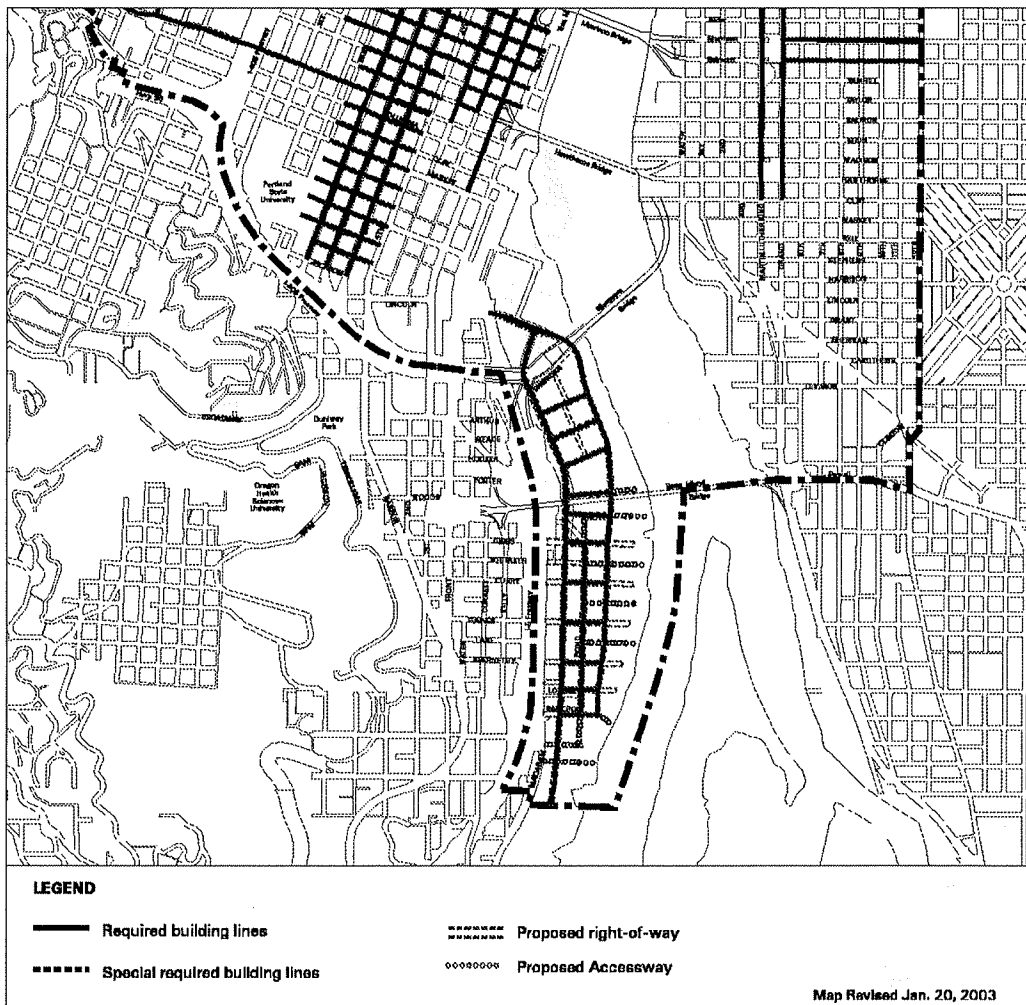
Map 510-5
Required Residential Development Areas

Map 2 of 2

Bureau of Planning & Sustainability • City of Portland, Oregon

Existing Map 510-6 - Required Building Lines

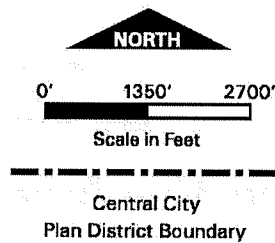
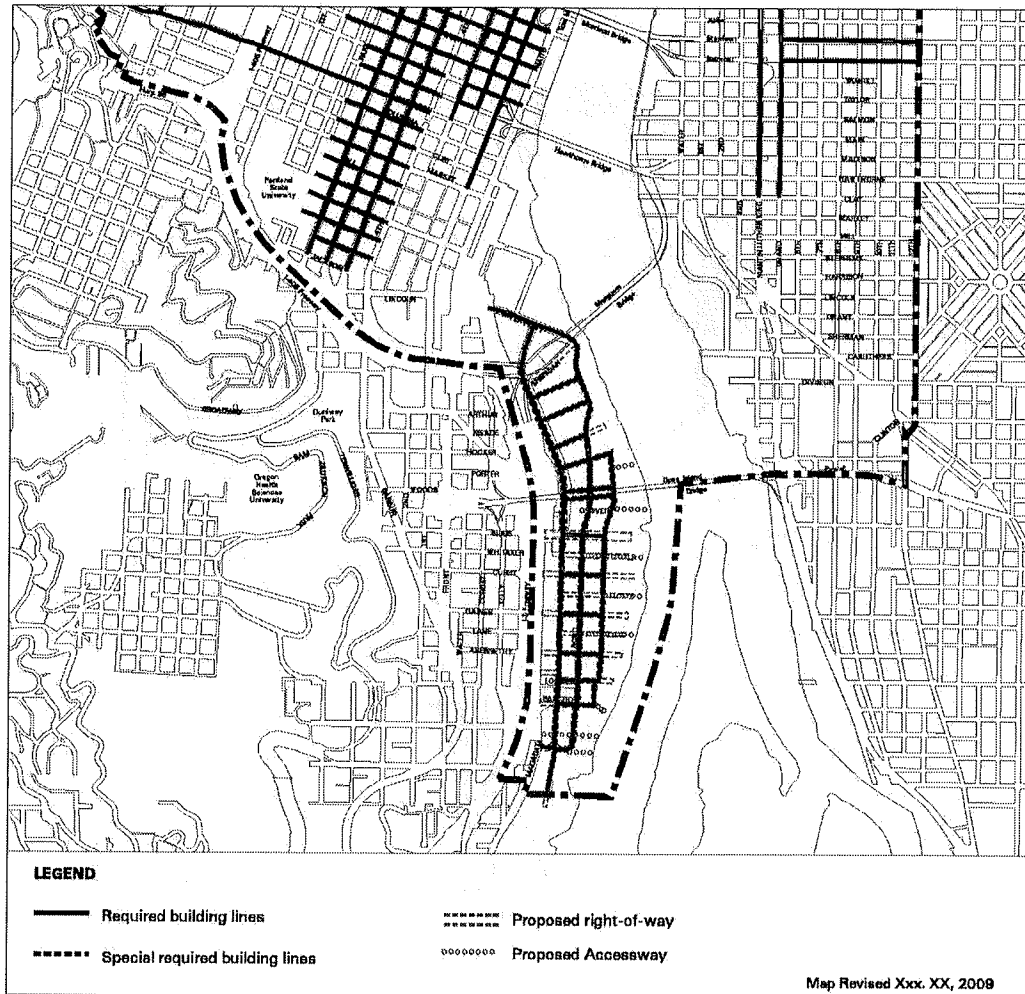
This map is amended to reflect the new street plan being adopted for the northern half of the South Waterfront subdistrict.



Map 510-6
Required Building Lines
 Map 2 of 2

Bureau of Planning • City of Portland, Oregon

Amended Map 510-6

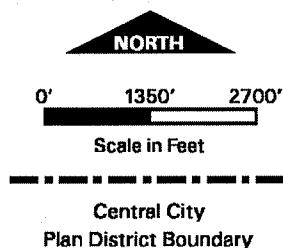
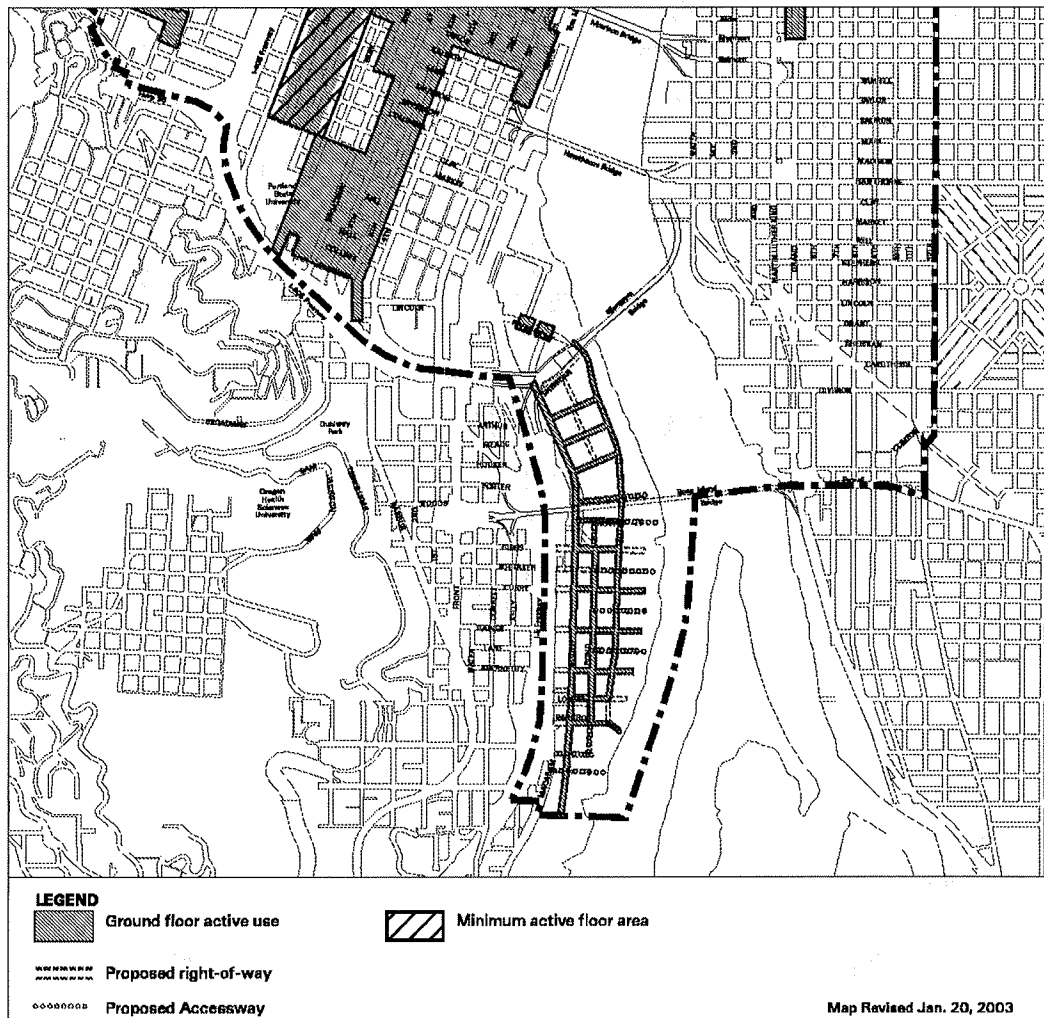


Map 510-6
Required Building Lines
Map 2 of 2

Bureau of Planning & Sustainability • City of Portland, Oregon

Existing Map 510-7 - Active Use Areas

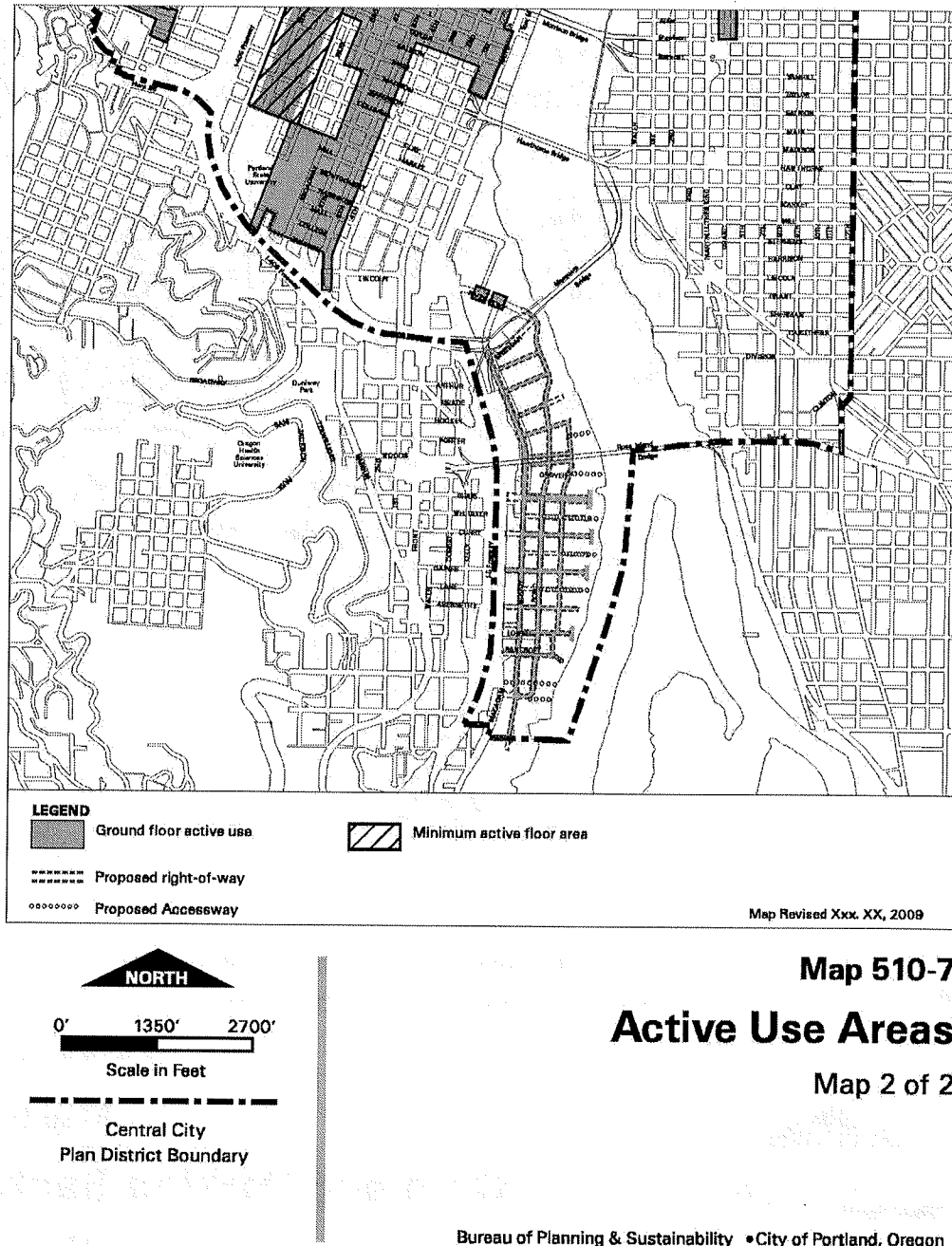
This map is amended to reflect the new street plan being adopted for the northern half of the South Waterfront subdistrict.



Map 510-7
Active Use Areas
Map 2 of 2

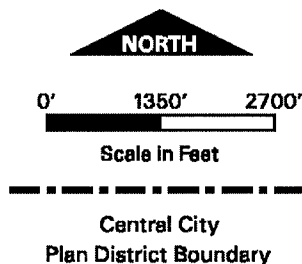
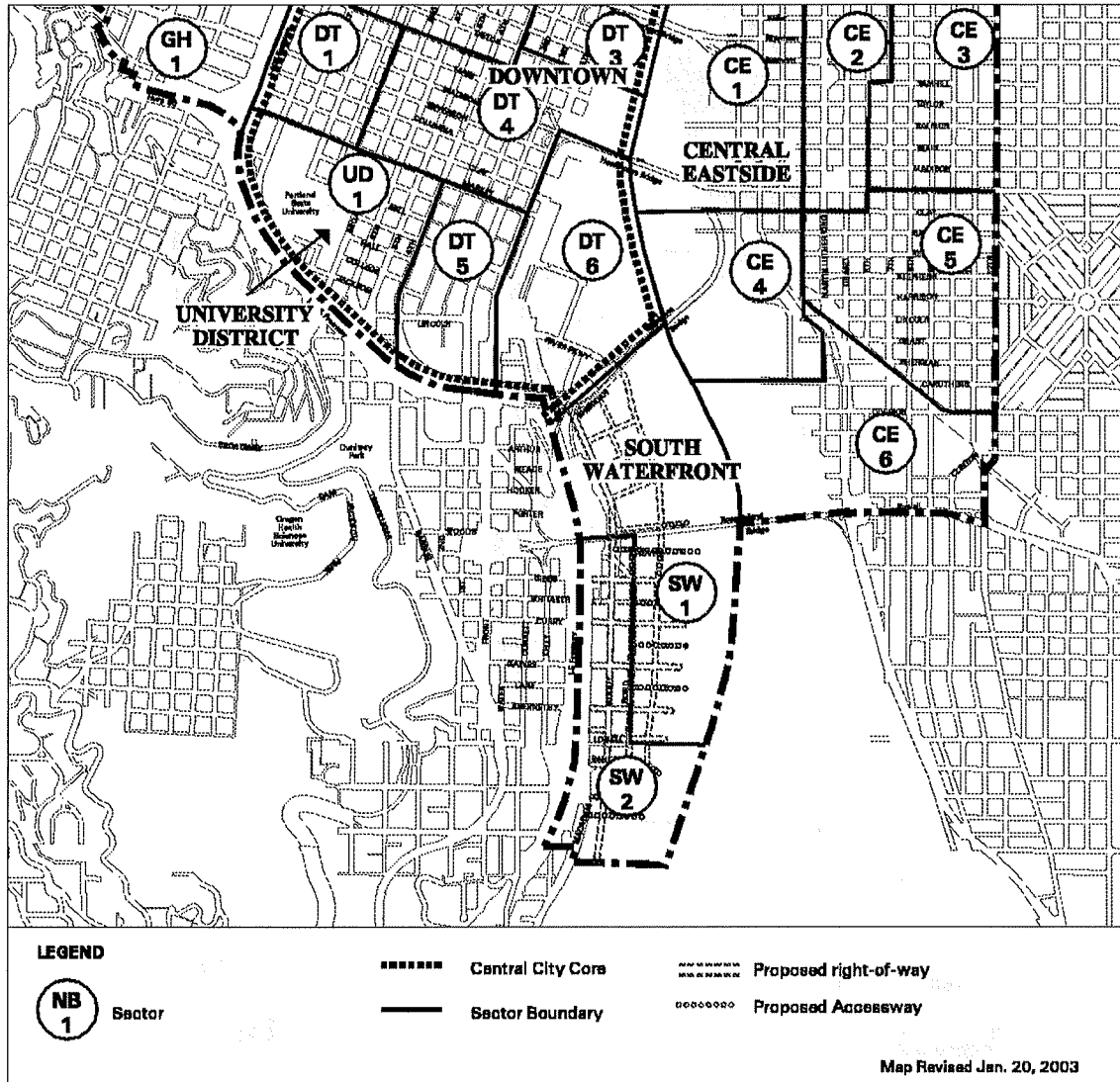
Bureau of Planning • City of Portland, Oregon

Amended Map 510-7



Existing Map 510-8 - Core and Parking Sectors

This map is amended to reflect the new street plan being adopted for the northern half of the South Waterfront subdistrict.



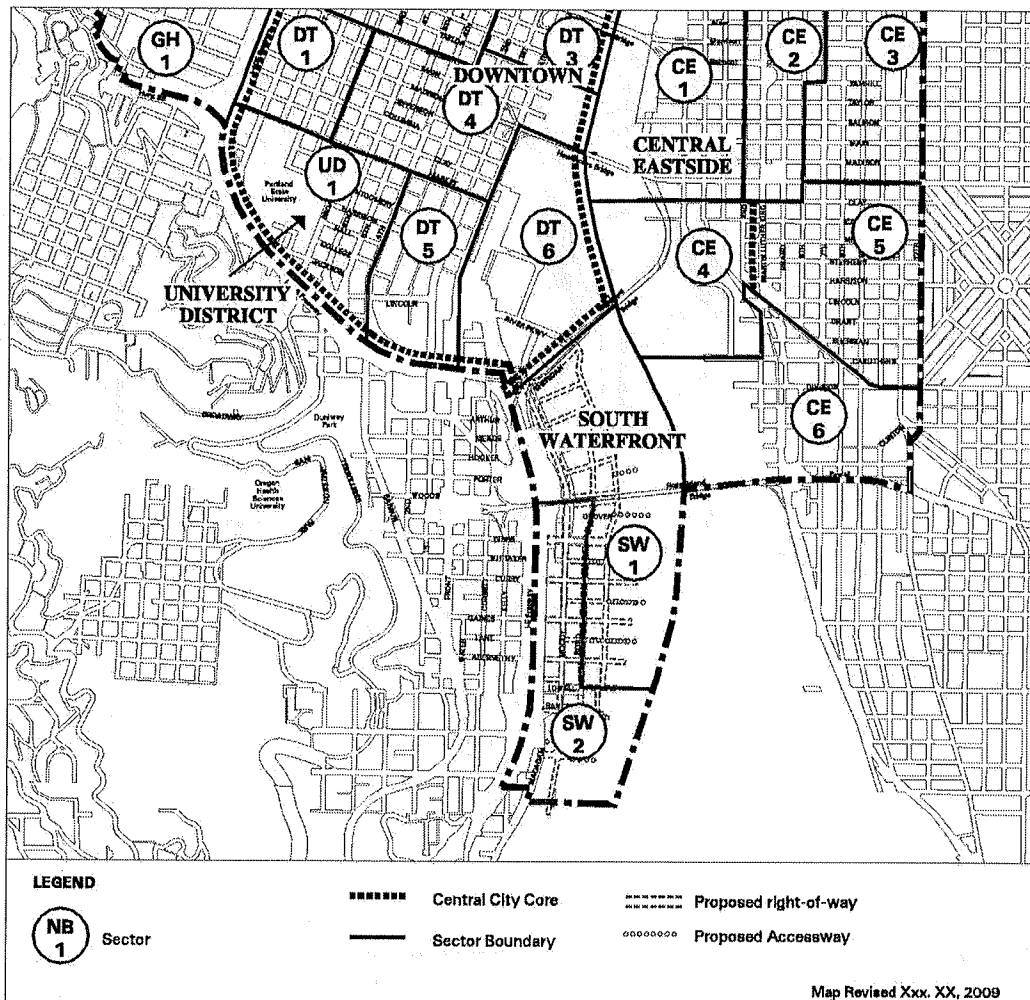
Map 510-8

Core and Parking Sectors

Map 2 of 2

Bureau of Planning • City of Portland, Oregon

Amended Map 510-8



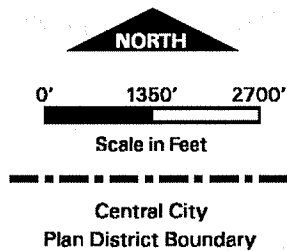
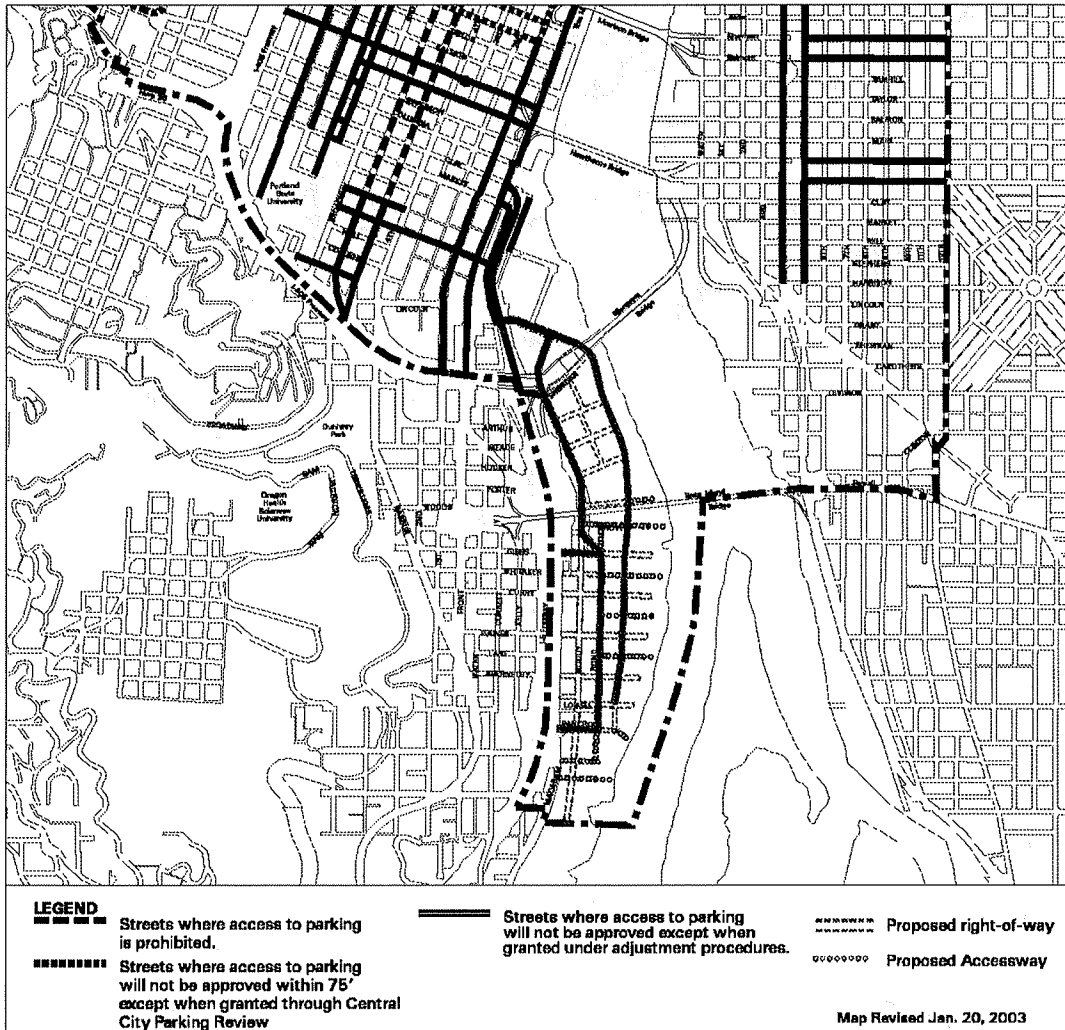
Map 510-8
Core and Parking Sectors

Map 2 of 2

Bureau of Planning & Sustainability • City of Portland, Oregon

Existing Map 510-9 - Parking Access Restricted Streets

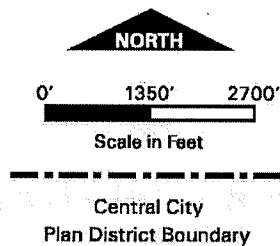
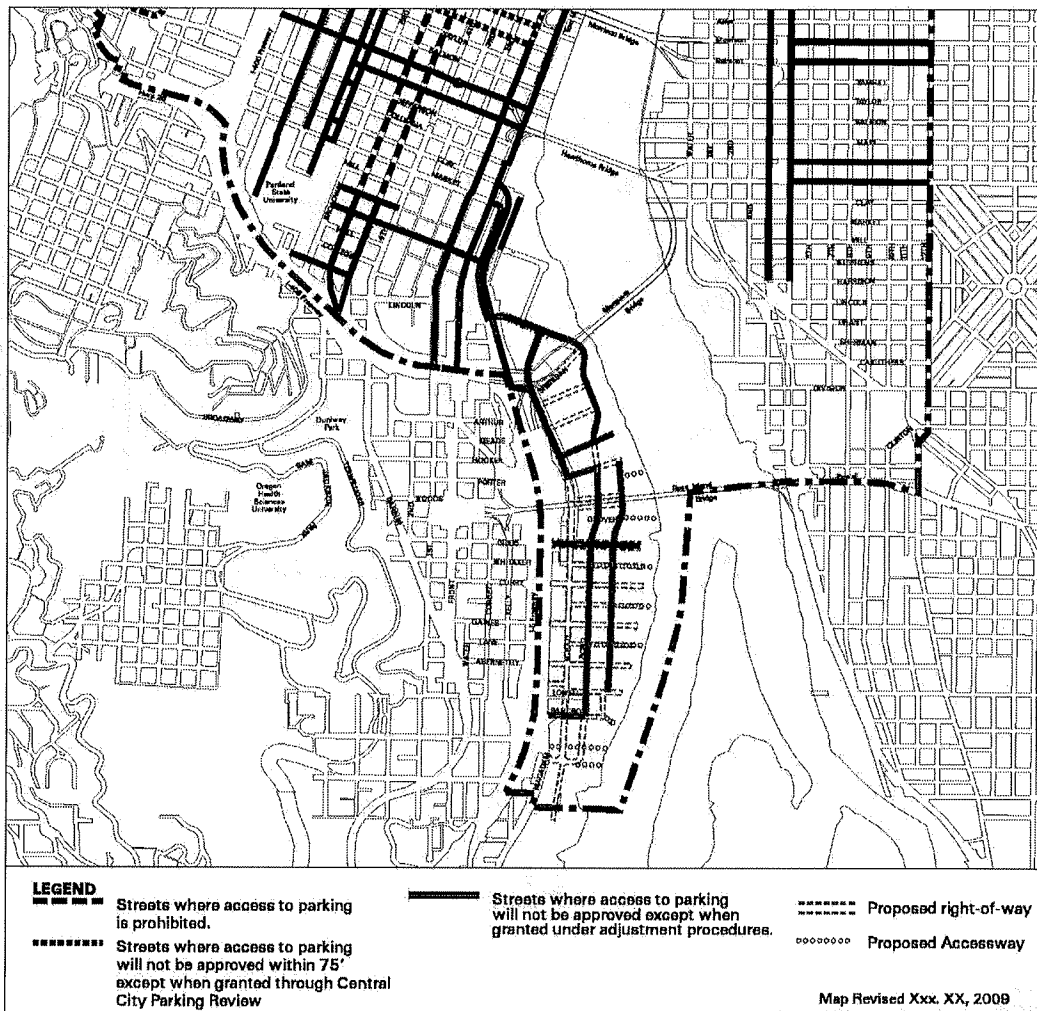
This map is amended to reflect the new street plan being adopted for the northern half of the South Waterfront subdistrict.



Map 510-9 Parking Access Restricted Streets Map 2 of 2

Bureau of Planning • City of Portland, Oregon

Amended Map 510-9



Map 510-9

Parking Access Restricted Streets

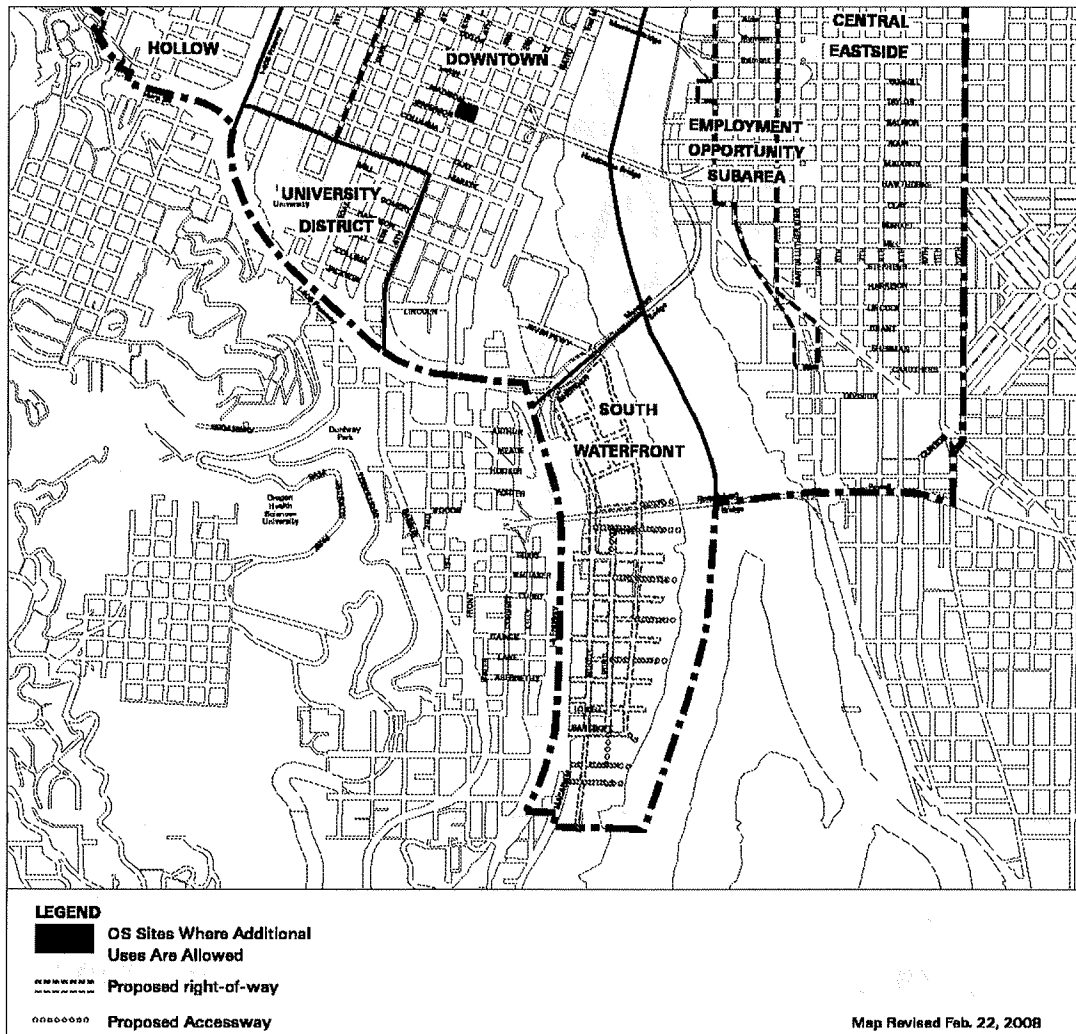
Map 2 of 2

Bureau of Planning & Sustainability • City of Portland, Oregon

Commentary

Existing Map 510-10 - Areas Where Additional Uses are Allowed in the OS Zone

This map is amended to reflect the new street plan being adopted for the northern half of the South Waterfront subdistrict.



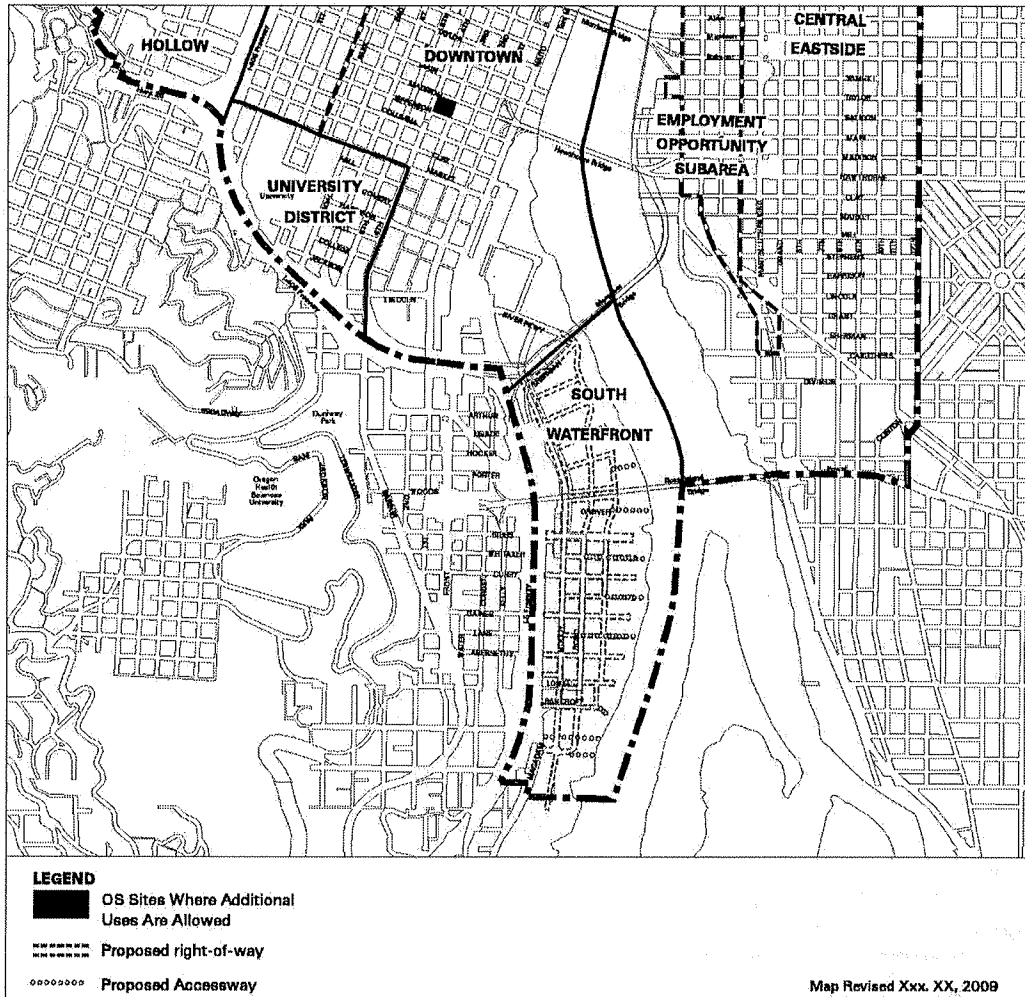
Map 510-10

Areas Where Additional Uses are Allowed in the OS Zone

Map 2 of 2

Bureau of Planning • City of Portland, Oregon

Amended Map 510-10



Map 510-10

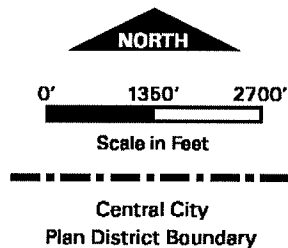
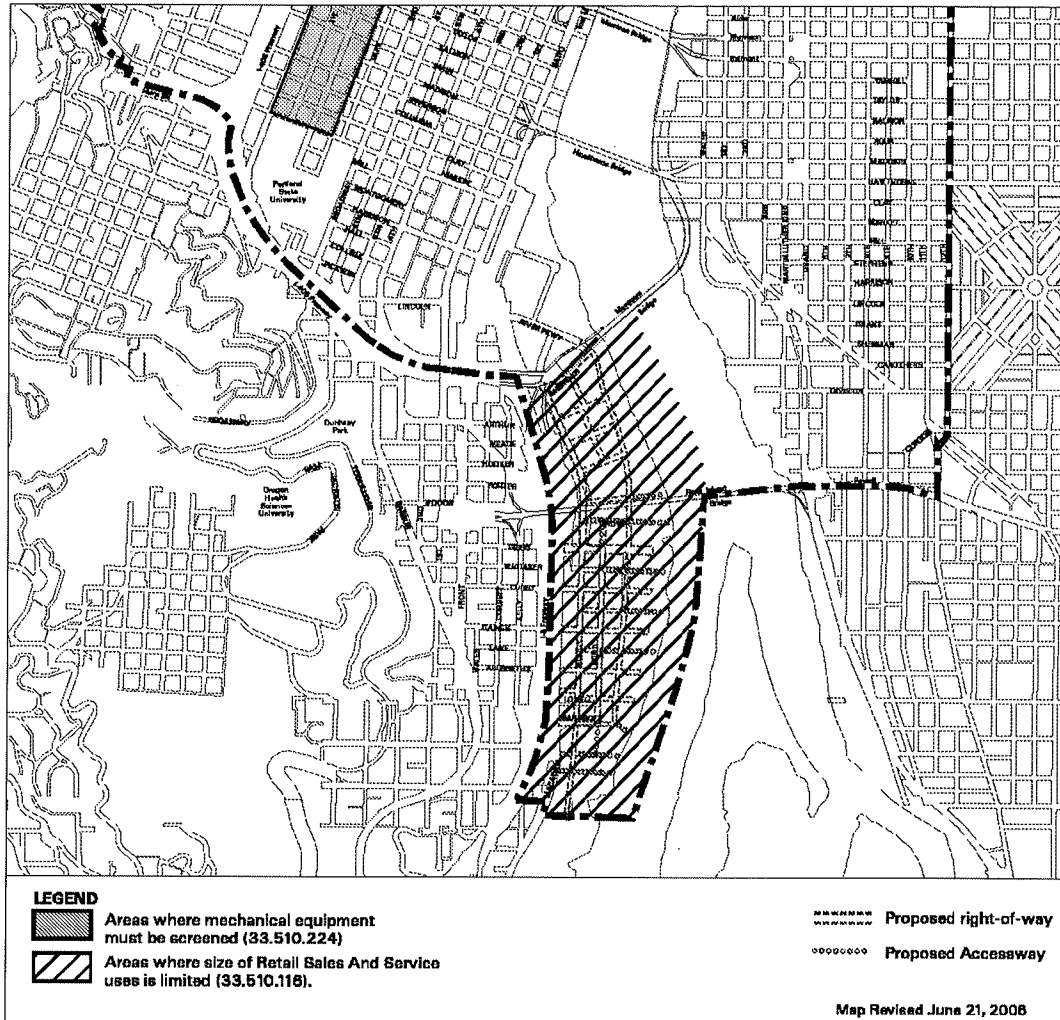
Areas Where Additional Uses are Allowed in the OS Zone

Map 2 of 2

Bureau of Planning & Sustainability • City of Portland, Oregon

Existing Map 510-11 - Special Areas

This map is amended to reflect the new street plan being adopted for the northern half of the South Waterfront subdistrict.

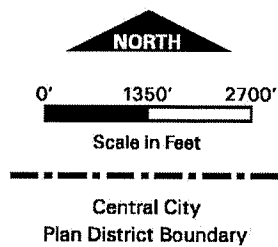
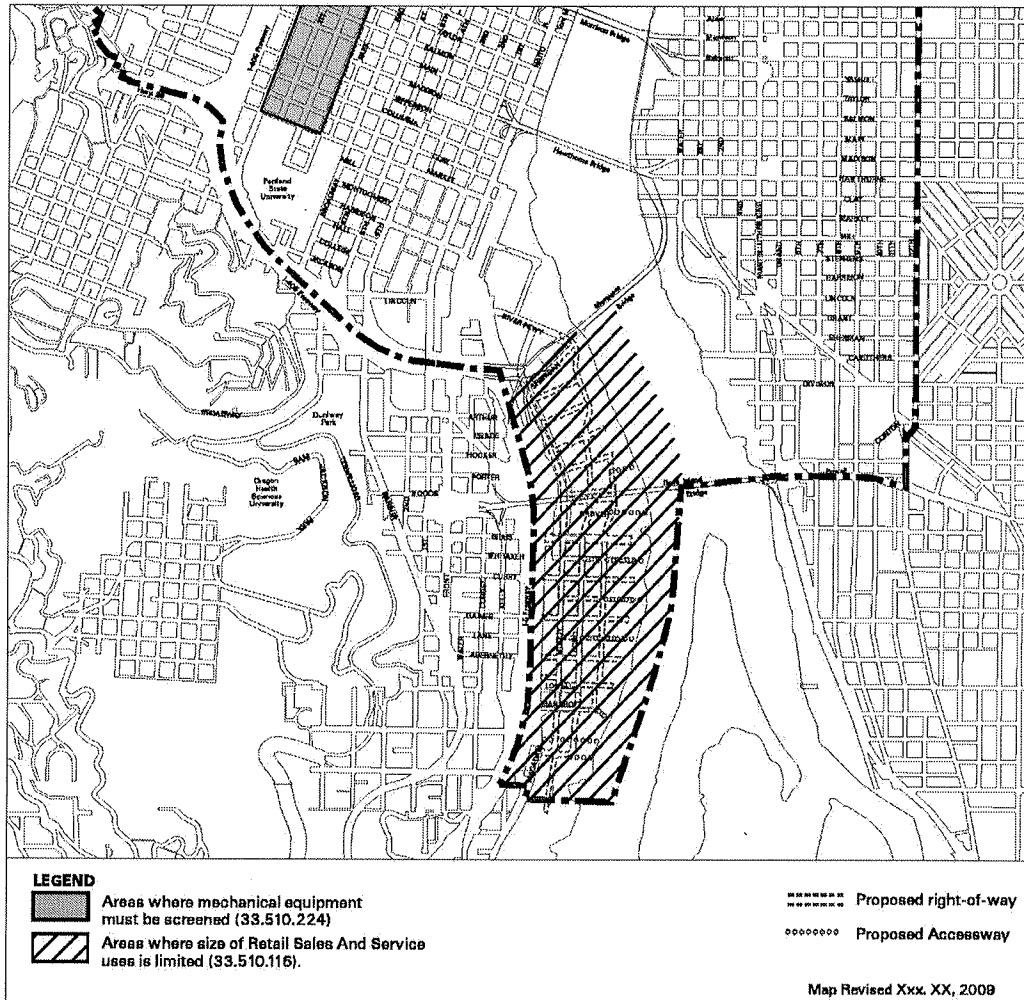


Map 510-11 Special Areas

Map 2 of 2

Bureau of Planning • City of Portland, Oregon

Amended Map 510-11



Map 510-11

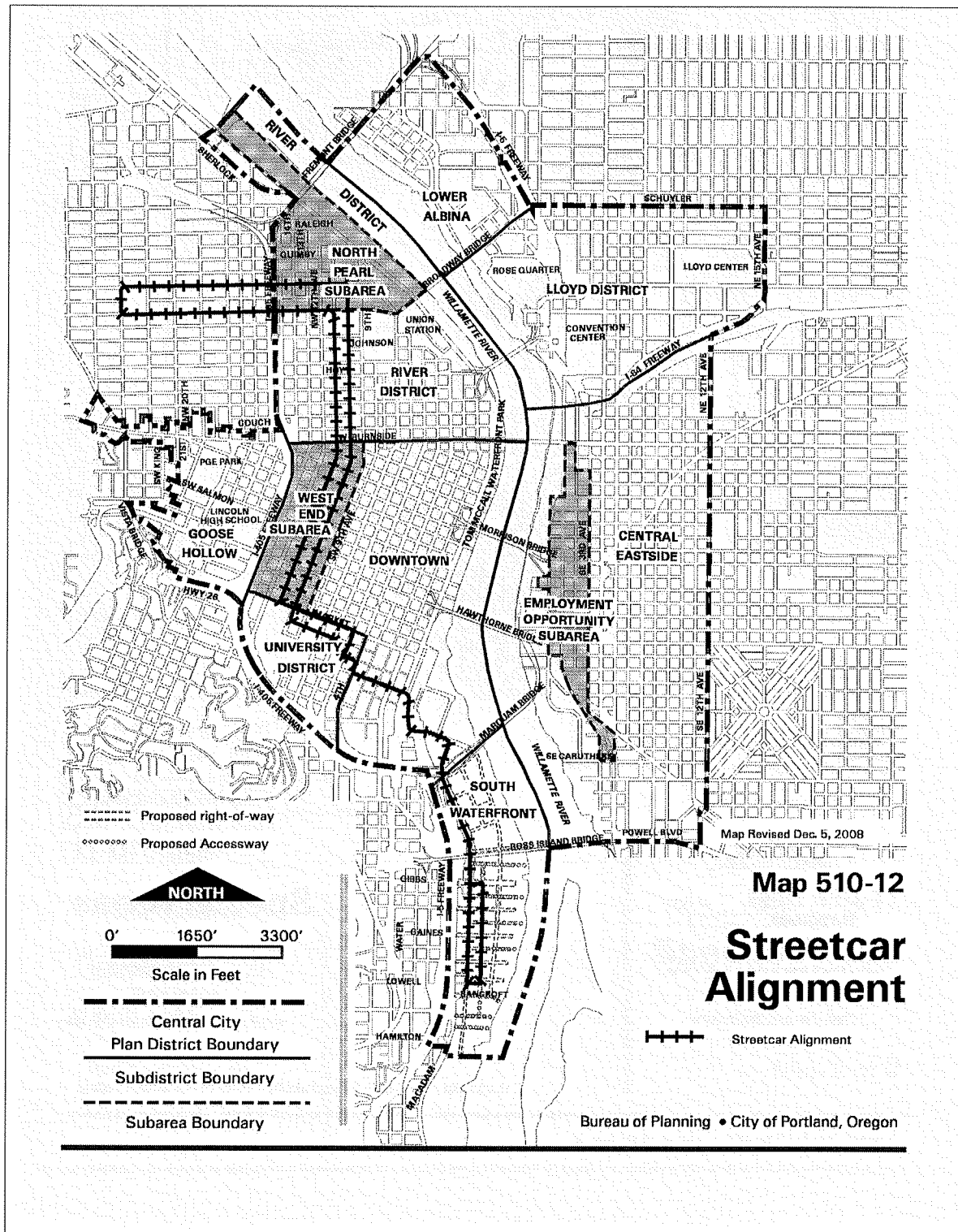
Special Areas

Map 2 of 2

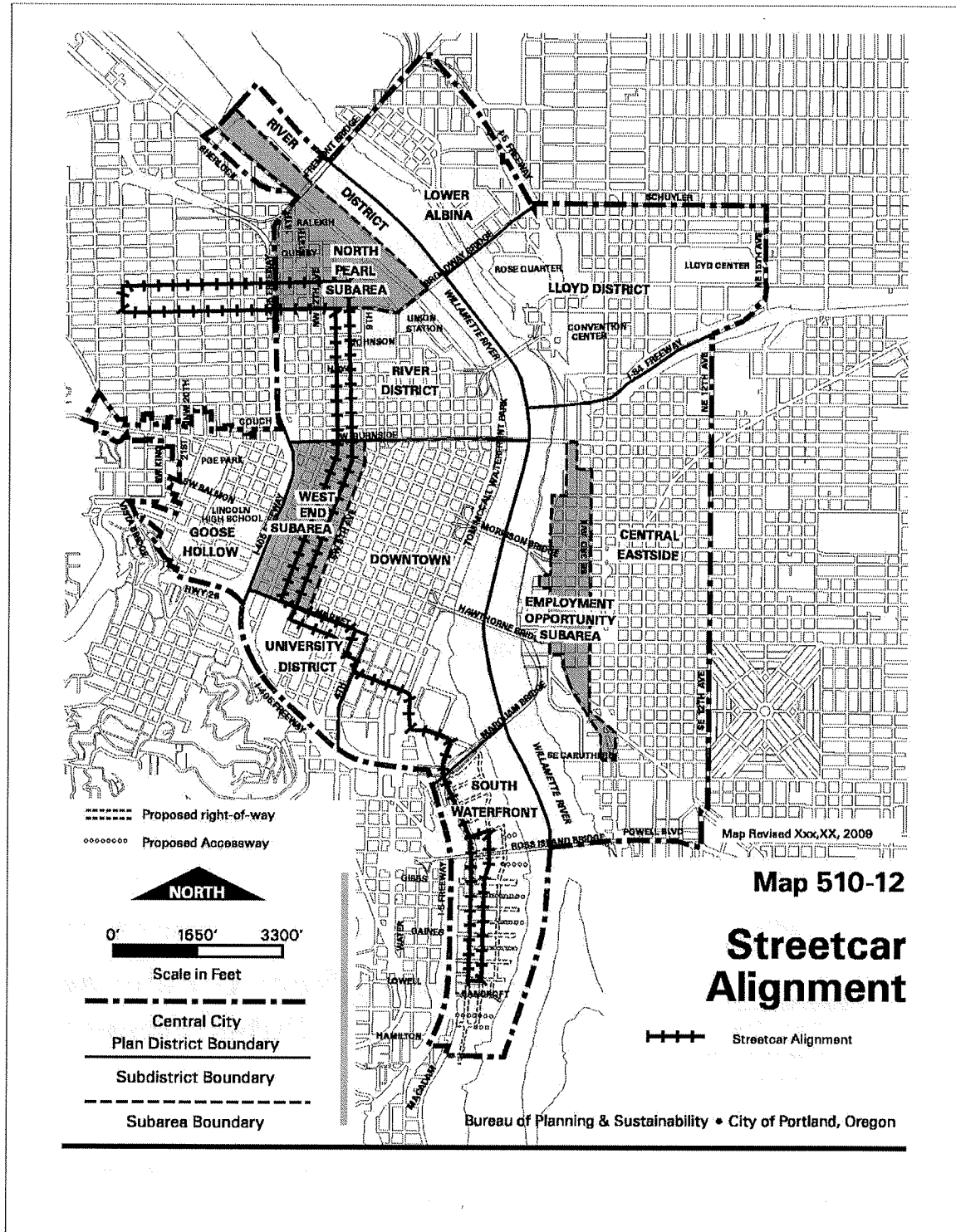
Bureau of Planning & Sustainability • City of Portland, Oregon

Existing Map 510-12 - Streetcar Alignment

This map is amended to reflect the new street plan being adopted for the northern half of the South Waterfront subdistrict.

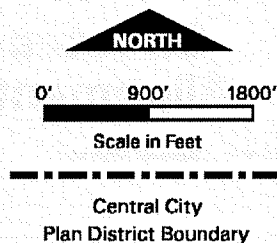
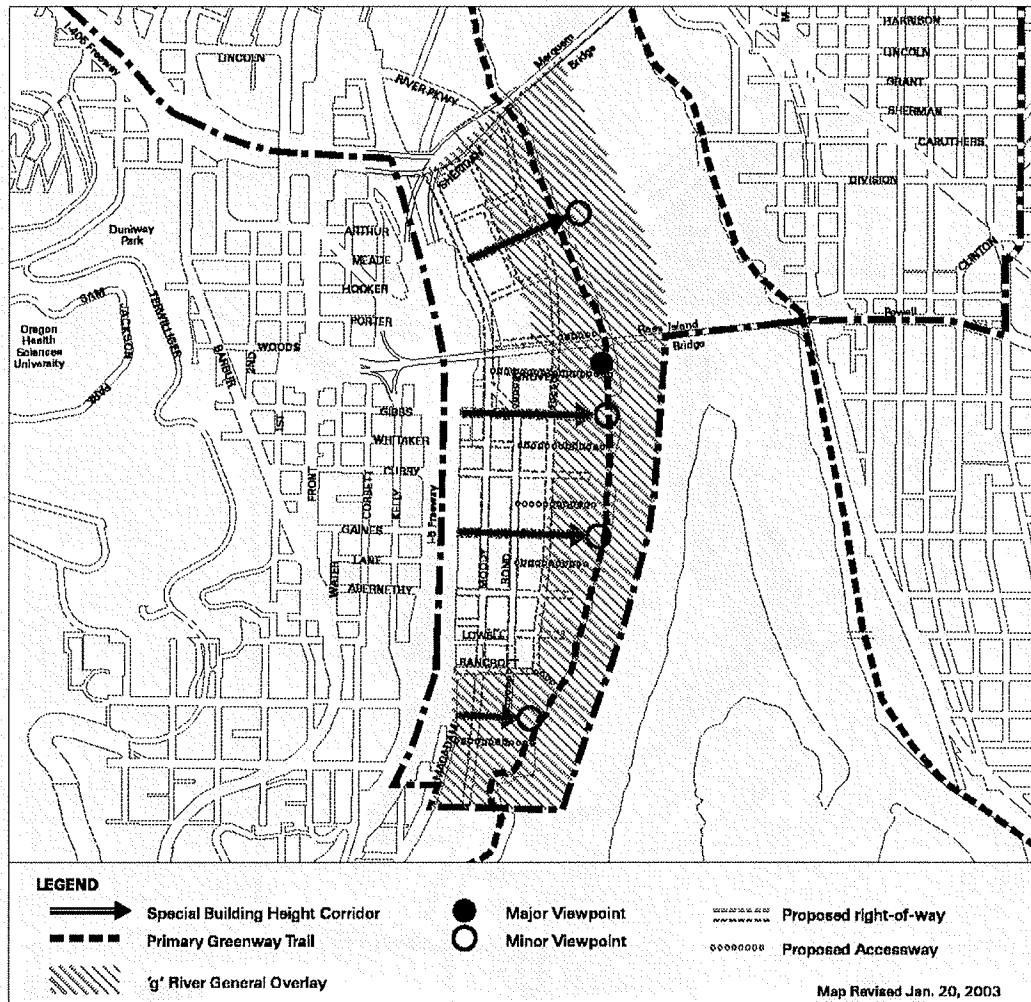


Amended Map 510-12



Existing Map 510-15 - South Waterfront Greenway Public Access

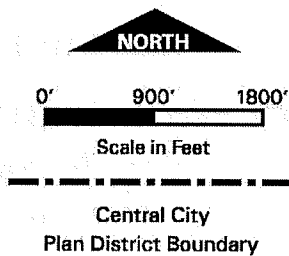
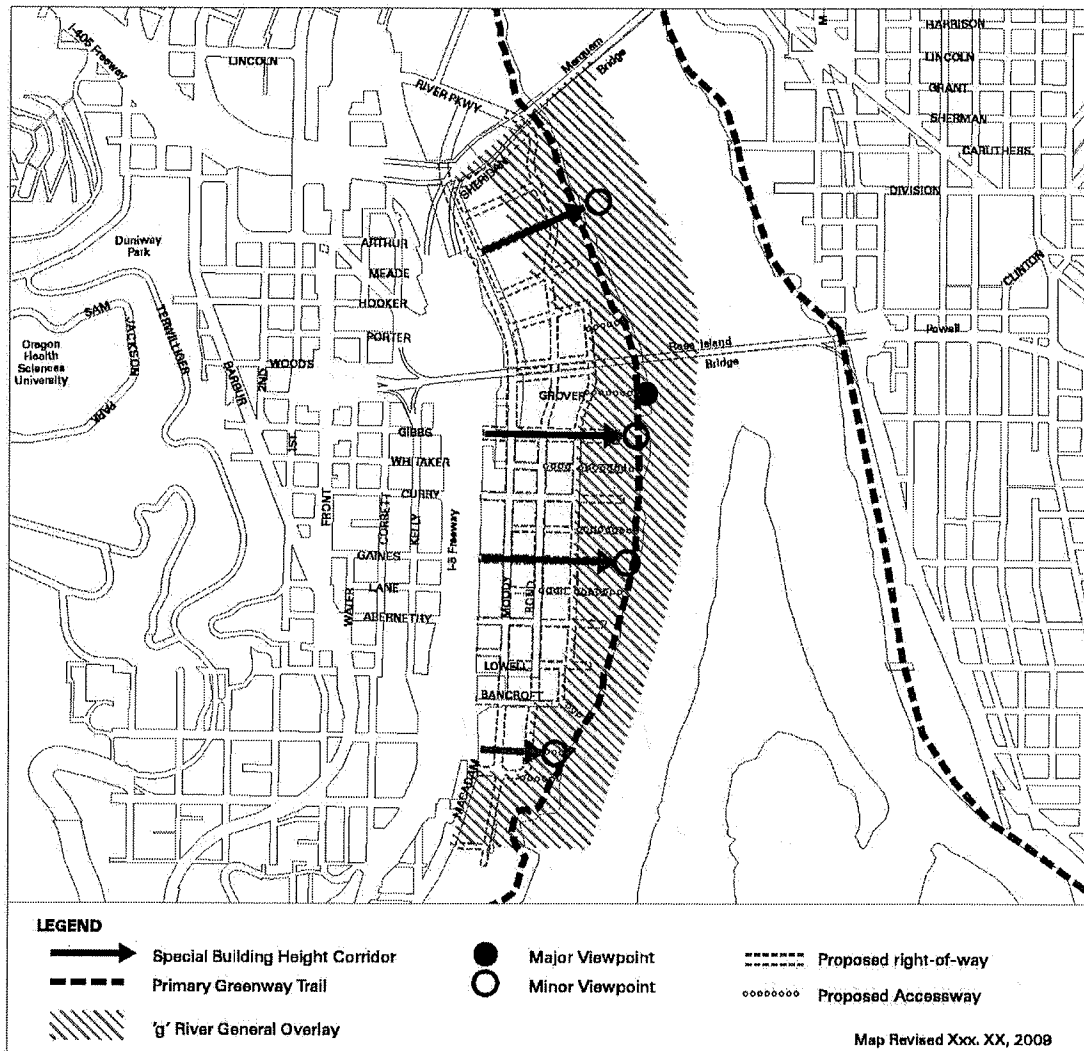
This map is amended to reflect the new street plan being adopted for the northern and southern half of the South Waterfront subdistrict.



Map 510-15 South Waterfront Greenway Public Access

Bureau of Planning • City of Portland, Oregon

Amended Map 510-15

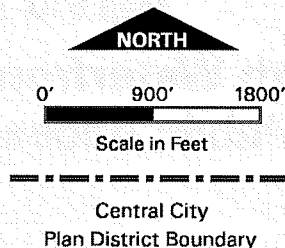
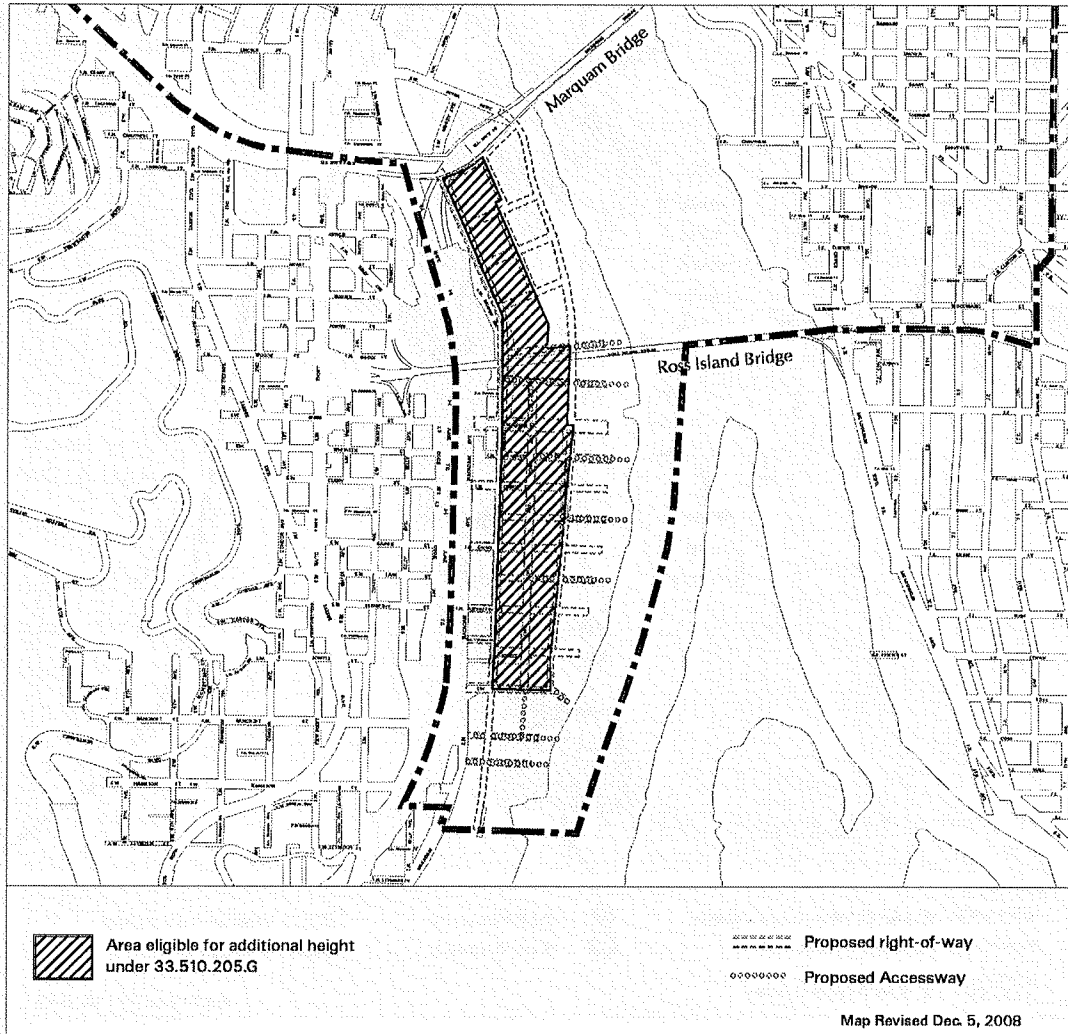


Map 510-15
**Draft South Waterfront
Greenway Public Access**

Bureau of Planning • City of Portland, Oregon

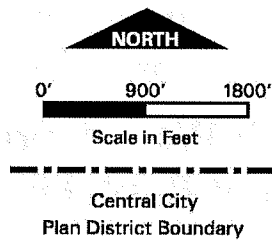
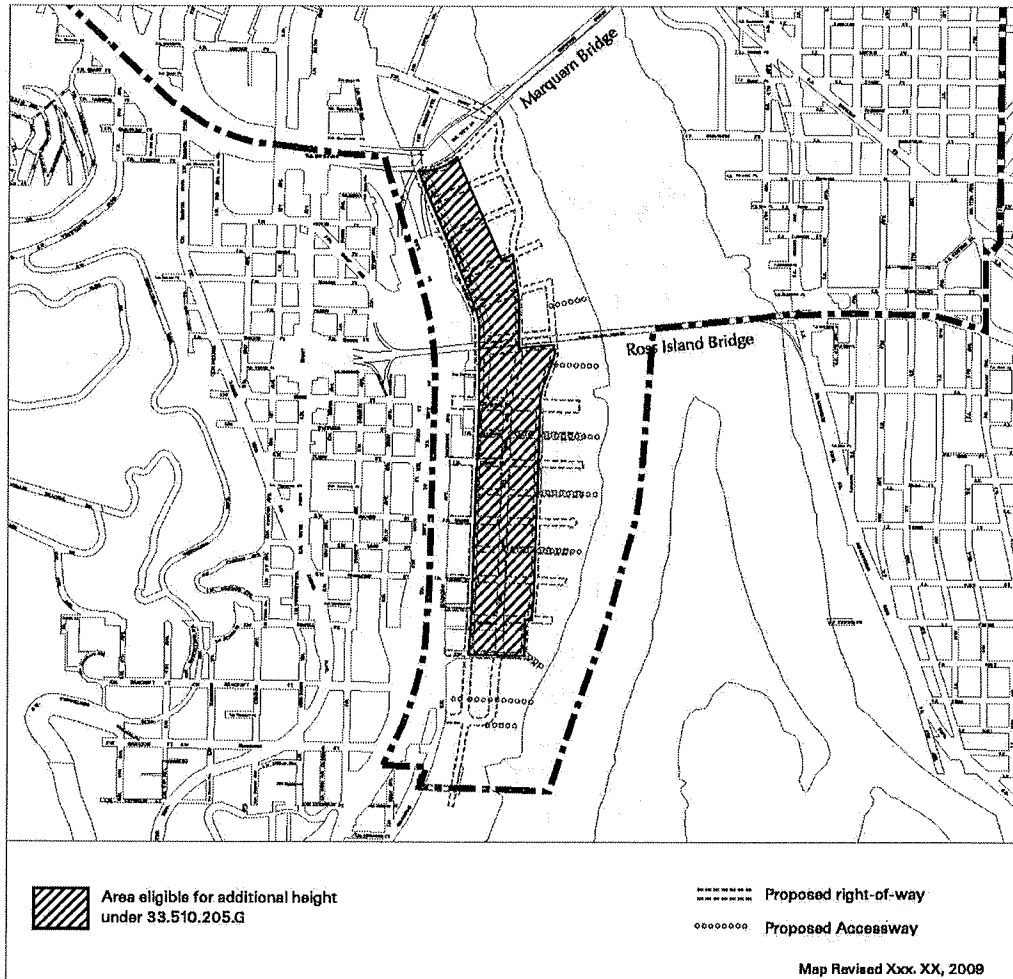
Existing Map 510-16 - South Waterfront Height Opportunity Area

This map is amended to reflect the new street plan being adopted for the northern half of the South Waterfront subdistrict.



Bureau of Planning • City of Portland, Oregon

Amended Map 510-16

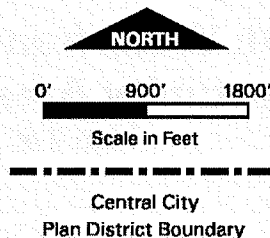
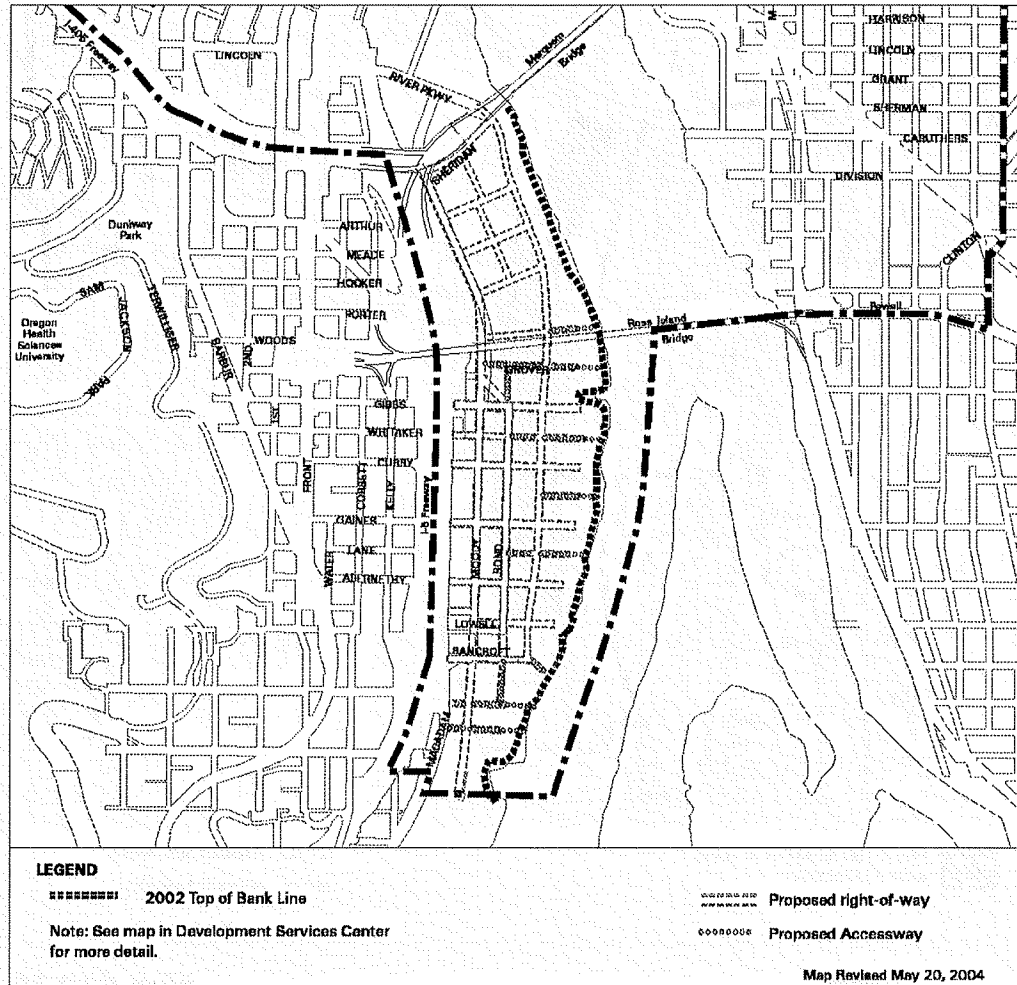


Map 510-16
South Waterfront
Draft Height Opportunity Area
Map 2 of 2

Bureau of Planning & Sustainability • City of Portland, Oregon

Existing Map 510-17 - South Waterfront 2002 Top-of-Bank Line

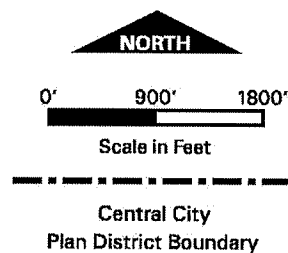
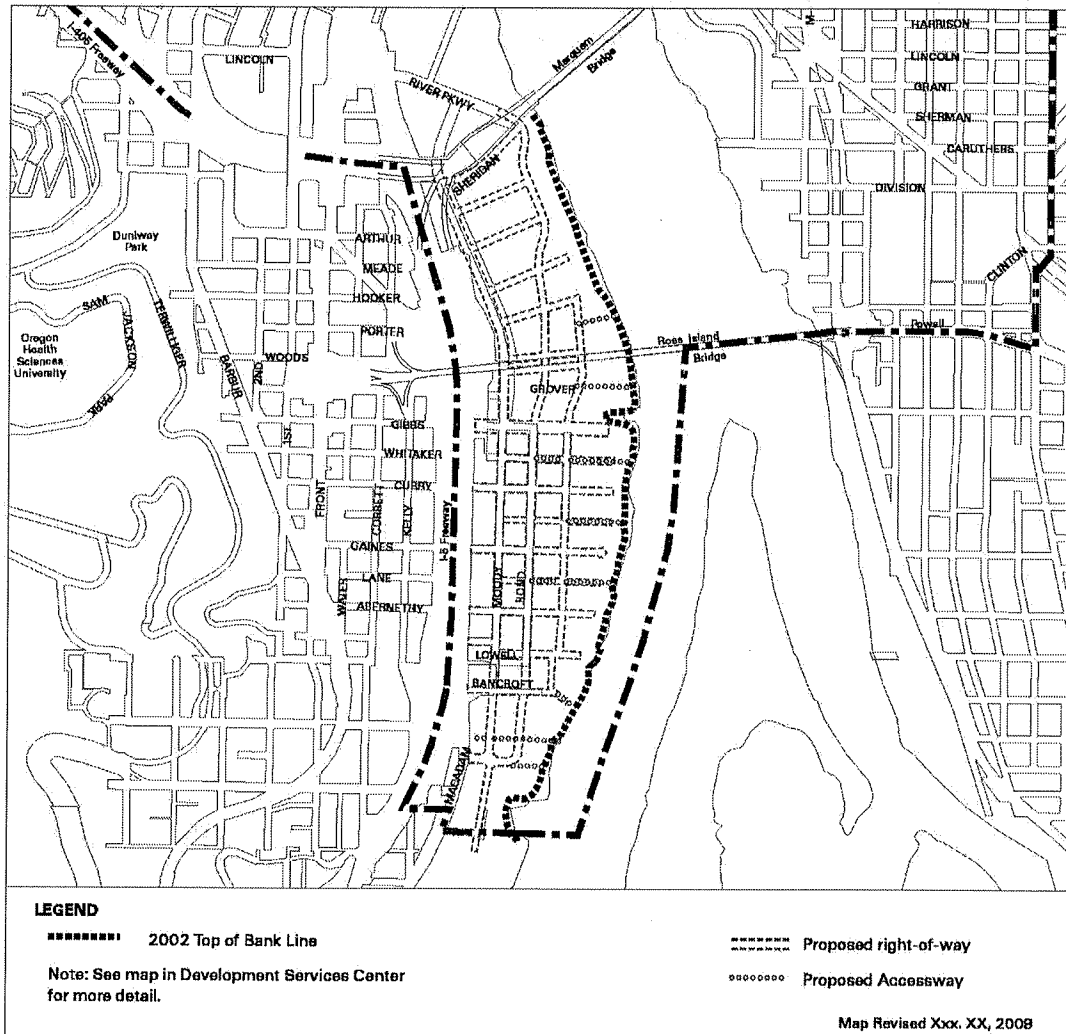
This map is amended to reflect the new street plan being adopted for the northern half of the South Waterfront subdistrict.



Map 510-17 South Waterfront 2002 Top of Bank Line

Bureau of Planning • City of Portland, Oregon

Amended Map 510-17



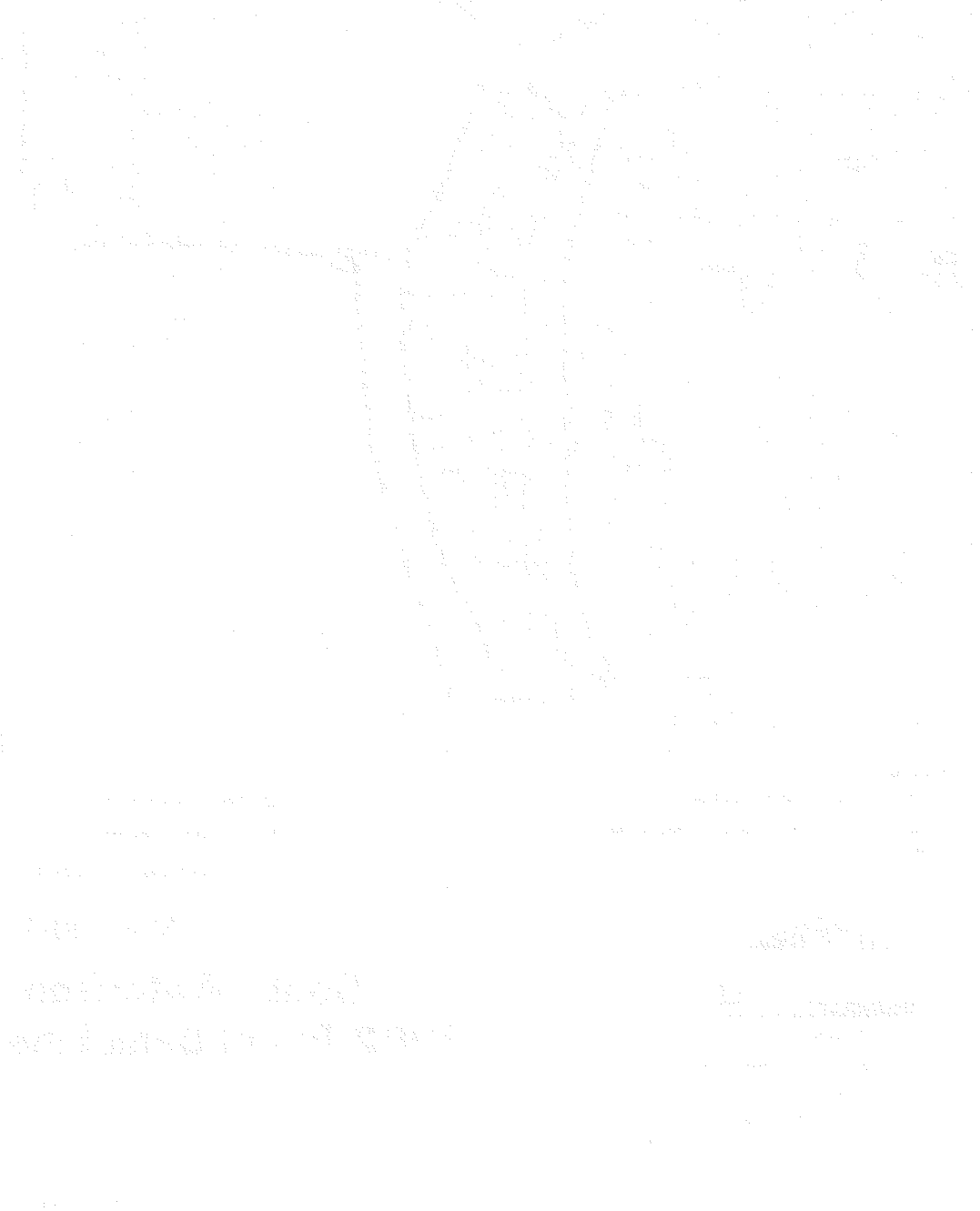
Map 510-17

South Waterfront 2002 Top of Bank Line

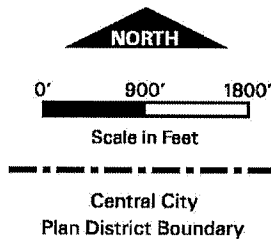
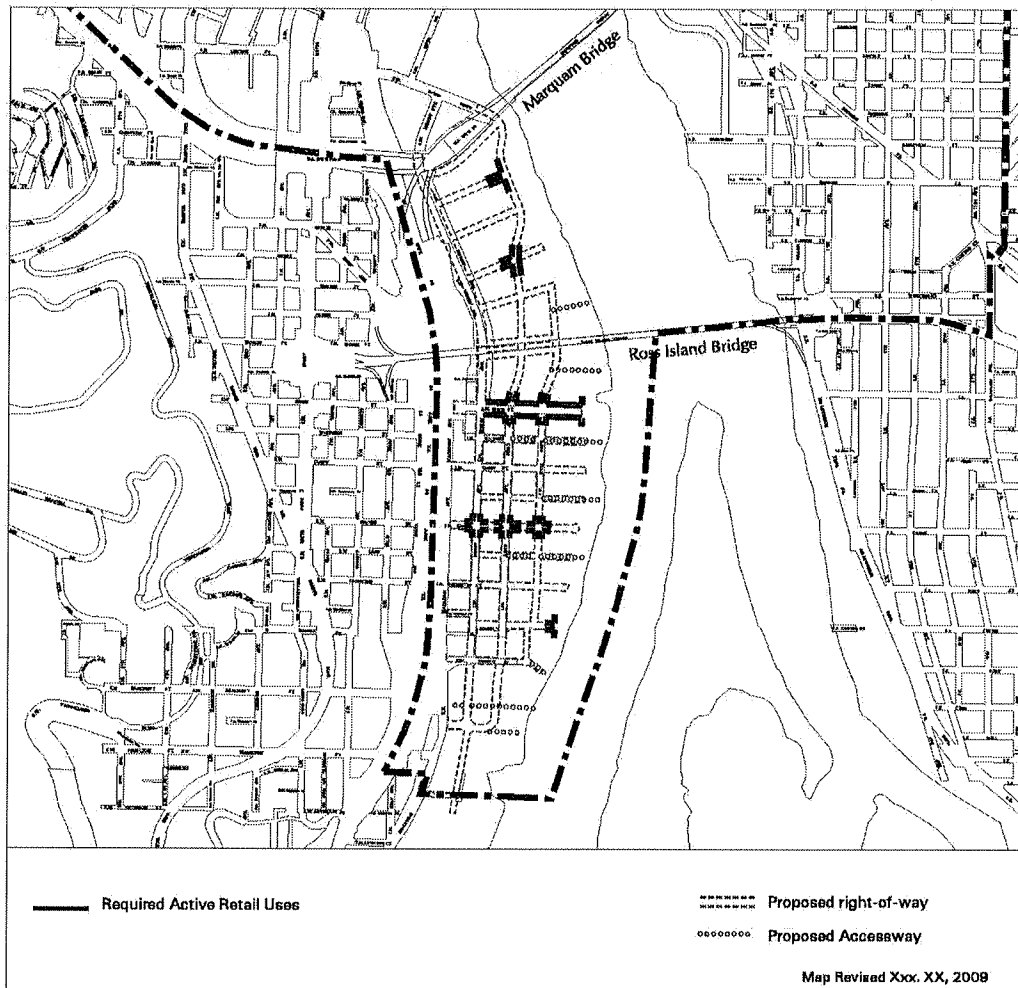
Bureau of Planning • City of Portland, Oregon

Proposed Map 510-21 - Required Active Retail Uses in South Waterfront

This map is proposed to identify those portions of the South Waterfront subdistrict subject to the new section 33.510.252.D, Required Active Retail Uses in the South Waterfront Subdistrict (see page 9 of this report).



Proposed Map 510-21



Map 510-21

Required Retail Sales and Service Use in South Waterfront

Bureau of Planning & Sustainability • City of Portland, Oregon

Chapter 33.700, Administration and Enforcement

Section 33.700.075 - Automatic Changes to Specified Dollar Thresholds

This section has been amended to reference the required landscaping provisions of Section 33.510.253.D, Required South Waterfront Greenway improvements. That section of code provides that improvements valued at more than \$131,150 trigger greenway improvements. As a result of this amendment, this dollar figure will be increased or decreased annually to keep pace with the annual national average of the CCI.

33.700.075 Automatic Changes to Specified Dollar Thresholds

The sections listed below include dollar thresholds. These thresholds will be increased or decreased each year on February 1. The change will occur automatically, and the new dollar amount will be placed in the Zoning Code without being subject to the procedures for amending the Zoning Code. The change will be based on the annual national average of the Construction Cost Index (CCI), as published in the second January issue of the Engineering News-Record.

- A.** The following sections are subject to this regulation. Any increase or decrease that is not a multiple of \$50 will be rounded to the nearest multiple of \$50:

1. through 5. [no change]

6. 33.510.253.D.1.a;

[Renumber 6-22 to 7-23]

Chapter 33.720, Assignment of Review Bodies**Section 33.720.020.C - Design Commission**

This section has been amended to make it clear that proposals subject to South Waterfront Greenway Review are processed as a Type III design review before the Design Commission. This is the current process; however, the Zoning Code text is confusing on this point.

33.720.020 Quasi-Judicial Land Use Reviews

Quasi-judicial land use reviews are assigned to the review bodies stated below.

- A. Director of BDS.** [No change.]
- B. Hearings Officer.** [No change.]
- C. Design Commission.** The following land use reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Design Commission:
 1. Design review, except as provided for in Paragraph D.2 below;
 2. Adjustments in a Design zone, except historic design districts and historic landmarks;
 3. Adjustments associated with a design review required by City Council outside of a Design zone; ~~and~~
 4. Reviews in the Central City plan district for height and FAR bonuses and transfers; and
 5. South Waterfront Greenway Reviews in the South Waterfront subdistrict of the Central City plan district.

Chapter 33.851, South Waterfront Greenway Review**General Comments**

The Zoning Code is not clear as to how proposals to implement the South Waterfront Greenway Development Plan (GDP) were to be reviewed. This was in large part because the GDP was only a concept when these Zoning Code provisions were originally drafted. The GDP schematic accepted by City Council in 2004 was actually developed three years after the zoning provisions attempting to implement the plan were adopted. For this reason, the Zoning Code approach to address proposals to implement the GDP should be amended.

To date proposals to implement the GDP have been processed as a Type III design review before the Design Commission. However, because the code does not contain adequate approval criteria to review proposals better criteria had to be developed. The new criteria are the new and amended design guidelines applicable to South Waterfront that are proposed are part of this project. The amendments to Chapters 33.851 and 33.510 make it clearer that the process to review greenway improvements consistent with the GDP is: 1) processed as a Type III design review; and 2) the approval criteria is contained in the South Waterfront Design Guidelines, Section IV, Greenway Development Plan Option.

Section 33.851.100, Review Procedures

As noted previously, because amendments within the South Waterfront greenway overlay are also within the design overlay zone, they are actually processed as a Type III, rather than Type II review as part of the design review process. These amendments clarify this and identify the applicable approval criteria for all South Waterfront Greenway Reviews.

CHAPTER 33.851, SOUTH WATERFRONT GREENWAY REVIEW

Sections:

- 33.851.010 Purpose
- 33.851.100 Review Procedures
- 33.851.200 Notice to State Parks and Recreation division
- 33.851.300 Approval Criteria

33.851.010 Purpose

South Waterfront greenway review provides flexibility within the South Waterfront greenway area and ensures that:

- Development will not have a detrimental impact on the use and function of the river and abutting lands;
- Development will conserve, enhance and maintain the scenic qualities;
- Development will contribute to enhanced ecological functions to improve conditions for fish and wildlife;
- Development will conserve the water surface of the river by limiting structures and fills riverward of the greenway setback; and
- Development that does not meet the standards of 33.510.253, South Waterfront Greenway Regulations, will be consistent with the *Willamette Greenway Plan* and the *Central City Plan*; and
- The timing of greenway improvements may be flexible to ensure successful implementation of the greenway in a more comprehensive manner.

33.851.100 Review Procedures

A. Procedures. South Waterfront greenway reviews are processed through a Type II-III procedure. Greenway goal exceptions are processed through a Type III procedure, and must be approved by City Council. See Section 33.440.360, Greenway Goal Exception, and Chapter 33.850, Statewide Planning Goal Exceptions.

B. Concurrent Design Review required.

1. Procedure. Proposals subject to South Waterfront greenway review are also subject to Design Review, which will be processed through a Type III procedure and reviewed concurrently with the South Waterfront greenway review.
2. Approval criteria. While all proposals must meet Sections II and III of the South Waterfront Design Guidelines, applicants may choose to meet Section IV, Greenway Development Plan Option, in addition to Sections II and III. If an applicant chooses to meet Section IV of the Design Guidelines, they gain additional flexibility through a development agreement with City Council. The development agreement can set out timing of improvements that differs from that required by Chapter 33.510, and can establish financial arrangements for improvements and maintenance that include City agencies as partners.

General Note:

The text here has not been changed and is presented only to give the reader context about the amendments that were proposed to this Chapter of the code.

33.851.200 Notice to State Parks and Recreation Division

BDS will send a copy of all applications for South Waterfront greenway review to the Parks and Recreation Division of the Oregon Department of Transportation. The applications will be sent certified mail, return receipt requested. The notice of decision on all South Waterfront greenway reviews will also be sent to the Parks and Recreation Division.

33.851.300 Approval Criteria

Requests for a South Waterfront greenway review will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

- A. Consistent with the purpose of the South Waterfront greenway.** The following approval criteria must be met for all proposals:
 - 1. When compared to the development required by the standards of 33.510.253, the proposal will better enhance the natural, scenic, historical, economic, and recreational qualities of the greenway;
 - 2. When compared to the development required by the standards of 33.510.253, the proposal will better ensure a clean and healthy river for fish, wildlife, and people;
 - 3. When compared to the development required by the standards of 33.510.253, the proposal will better embrace the river as Portland's front yard; and
 - 4. When compared to the development required by the standards of 33.510.253, the proposal will better provide for stormwater management.
- B. Development riverward of top of bank.** If development is proposed riverward of top of bank, the following approval criteria must be met:
 - 1. The riverbank will be protected from wave and wake damage; and
 - 2. The proposal will not:
 - a. Result in the significant loss of biological productivity in the river;
 - b. Restrict boat access to adjacent properties;
 - c. Interfere with the commercial navigational use of the river, including transiting, turning, passing, and berthing movements;
 - d. Interfere with fishing use of the river;
 - e. Significantly add to recreational boating congestion; and
 - f. Significantly interfere with beaches that are open to the public.

General Note:

The text here has not been changed and is presented only to give the reader context about the amendments that were proposed to this Chapter of the code.

C. Proposals that do not meet the requirements of 33.510.253.E. If the proposal does not meet all of the standards of Subsection 33.510.253.E., the following approval criteria must be met:

1. The proposal will restore and enhance the natural character of the area adjacent to the river and will allow more significant creation of habitat for fish and wildlife that could aid in supporting the recovery of native species of fish; and
2. The proposal will support or enhance the function of the greenway area as an active and vibrant waterfront and will provide sufficient opportunities for human interaction with the greenway.

D. Buildings within the South Waterfront greenway area. If the proposal includes buildings that do not meet the standards of 33.510.253.E.35.b, at least one of the following approval criteria must be met:

1. The proposal will increase the area available for riparian plant communities on the site by regrading within the greenway area to decrease the slope of the river bank (i.e., laying back the bank). Proposals meeting this approval criteria must show that the modified slope of the bank will be no steeper than 5:1, and that buildings will be set back at least 100 feet from ordinary high water and at least 30 feet from the modified top of bank;
2. The proposal will compensate for the reduction in setback through near shore and bank treatments that mimic the conditions found in more natural areas of the Lower Willamette River. Proposals meeting this approval criterion must demonstrate the following:
 - a. Buildings will be set back at least 75 feet from the top of bank;
 - b. The near shore and bank treatments will be installed riverward of top of bank;
 - c. The near shore and bank treatments will provide resource enhancement, reestablish multiple riparian functional values, increase near shore or bank complexity, and be appropriate to the specific conditions of the site and the river. The complexity should be able to be maintained over time by natural river processes; and
 - d. The proposal includes near shore and bank treatments that are valued at 700 dollars or more per linear foot of river facing site frontage.
3. The proposal will set all buildings back an average of 100 feet from top of bank; proposals meeting this approval criteria must show that buildings will be set back at least 75 feet from top of bank, that at least 50 percent of the length of all building walls facing the South Waterfront greenway area will be set back at least 125 feet from top of bank, and that averaging will better enhance the recreational and ecological functions of the greenway area; or
4. The proposal meets all of the requirements of the *South Waterfront Greenway Development Plan* and a modified setback distance has been identified on the site by the City as part of the plan.

Commentary

Section 33.851.300.F.3, Concurrent Design Review required

This section has been eliminated because the text is no longer correct. Applicants implementing the South Waterfront Greenway Development Plan now must demonstrate consistency with the applicable design guidelines from the South Waterfront Design Guidelines document and landscaping materials used must be identified in the list of landscape materials contained in that document.

E. Trails, viewpoints, and pedestrian connections. If the proposal will include trails, viewpoints, or pedestrian connections that do not meet the standards of Subsection ~~33.510.253.E.5. or E.6.~~ 33.510.253.E.5.d. or e., the proposal must meet approval criteria E.1. and E.2., and either E.3. or E.4.:

1. The proposed trail, viewpoints, and pedestrian connections will safely accommodate expected users;
2. The trail will include one or two paths and the width of the proposed trail, or the combined width of the paths that make up the trail, will be at least 18 feet; and
3. The proposed trail, viewpoints, and pedestrian connections will respond to topographic constraints of the site; or
4. The proposal meets all of the requirements of the *South Waterfront Greenway Development Plan* and the proposed trail, viewpoints, and pedestrian connections comply with those identified on the site as part of the plan.

F. Landscaping and non-landscaped area. If the proposal will include landscaping or non-landscaped area that does not meet the standards of Subsection ~~33.510.253.E.2. or E.7.~~ 33.510.253.E.5.a. or 5.f., the proposal must meet either approval criteria F.1. and or F.2.; ~~or approval criterion F.3.:~~

1. The proposal will mitigate for any reductions in vegetative cover through the use of methods including near shore and bank restoration work, bioengineering, or green building technologies, including innovative stormwater management, on the site; and or
2. The proposal meets one of the following:
 - a. The proposal will better support the water quality goals of the City's *Stormwater Management Manual*;
 - b. The landscaping standards cannot be met on the site because of existing bank and soil conditions such as the presence of riprap or other obstructions;
 - c. The proposal is necessary to ensure bank stability; or
 - d. The proposal will allow greater visual access between the trail and other segments of the greenway, and will enhance safety for trail users.
- ~~3. The proposal meets all of the requirements of the *South Waterfront Greenway Development Plan* and modified landscaping or non-landscaped area has been identified on the site by the City as part of the plan.~~